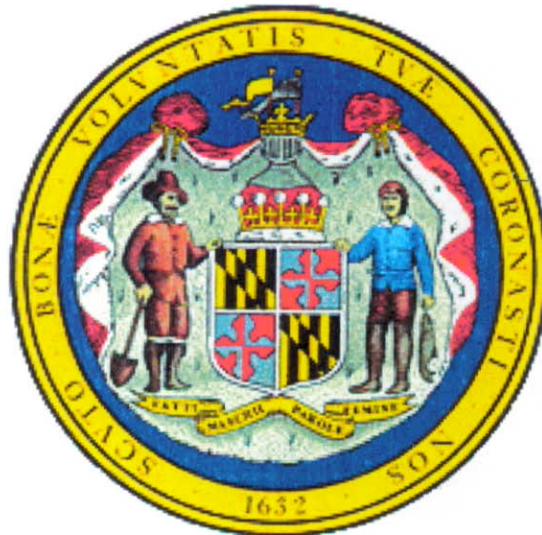


CIRCUIT COURT
FOR
MONTGOMERY COUNTY, MARYLAND



CIVIL DIFFERENTIATED
CASE MANAGEMENT PLAN

July 2006

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND
CIVIL NON-DOMESTIC DIFFERENTIATED CASE MANAGEMENT PLAN**

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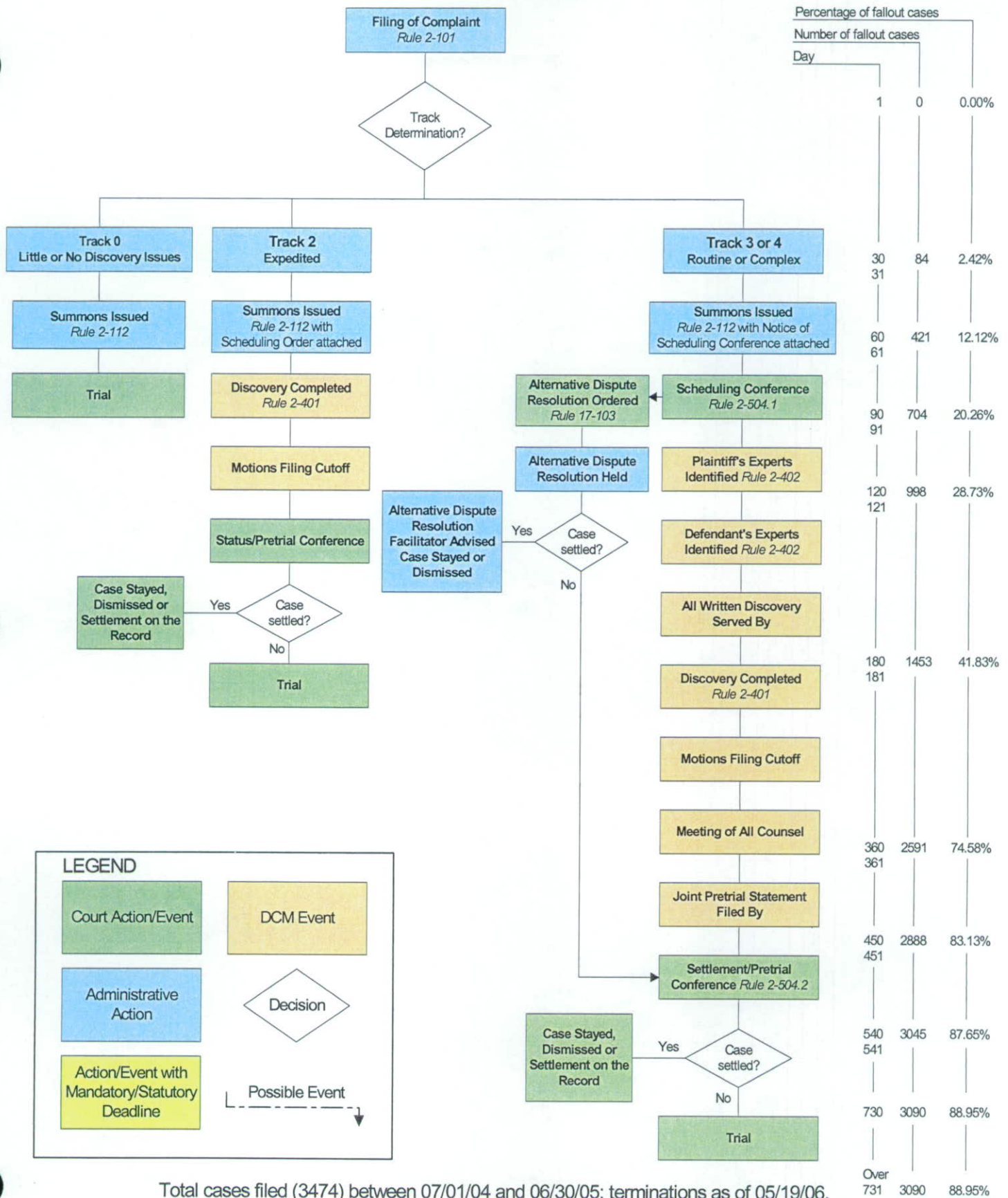
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TAB A

Civil Case Overview



Total cases filed (3474) between 07/01/04 and 06/30/05; terminations as of 05/19/06.

OVERVIEW

Civil Differentiated Case Management Plan for Montgomery County, Maryland

Differentiated Case Management is a concept designed to improve the efficiency of case processing and reduce the demand for judicial intervention at every phase of litigation. DCM achieves these goals by the early differentiation of cases entering the justice system in terms of the nature and extent of judicial/justice system resources they will require. Each case is then assigned to the appropriate case track established within the court system that allows for the performance of pre-trial tasks and allocates the appropriate level of judicial and other system resources, minimizing processing delays. Established mechanisms avoid multiple court appearances and assure the timely provision of resources for the expeditious processing and resolution of cases on each track. In cooperation with the Montgomery County Bar Association, six (6) tracks were developed as Montgomery County Circuit Court's Differentiated Case Management Plan.

INFORMATION REPORT

In compliance with **Rule 2-111**, all parties must file an Information Form.

PLAINTIFF'S CIVIL INFORMATION FORM: The plaintiff shall file a Civil Information form together with the complaint and provide a service copy of the complaint and Information Form for each defendant.

In compliance with **Rule 2-112**, the Clerk will issue a summons together with a Scheduling Hearing Notice or Scheduling Order, and a Defendant's Information Form with service copies of the complaint for service upon the defendant.

DEFENDANT'S CIVIL INFORMATION FORM: In compliance with **Rule 2-323**, within 30 days of service, the Defendant shall file with the answer an information report substantially in the form included with the summons if (1) the Plaintiff has failed to file an information report required by Rule 2-111(a), (2) the Defendant disagrees with anything contained in an information report filed by the Plaintiff, (3) the Defendant disagrees with a differentiated case management track previously selected by the Court, or (4) the Defendant has filed or expects to file a counter-claim, cross-claim, or third-party claim. If the Defendant fails to file a required information report with the answer, the Court may proceed without the Defendant's information to assign the action to any track within the Court's differentiated case management system or may continue the action on any track previously assigned.

TRACK CRITERIA

The parties choose the track in which the case shall proceed. Currently, 6 tracks have been established for DCM:

NO TRACK	Administratively tracked/non-litigation
TRACK 0	District Court Appeals, Injunctions, Mechanic's Liens, Restraining Orders, Administrative Appeals, Mandamus Cases, Declaratory Relief, Forfeiture (money or vehicles), Landlord and Tenant Jury Demands and Appeals, and Sale in Lieu of Partition (excluding divorce)
TRACK 1	Domestic This track will eventually be dissolved. All new family cases are now filed under the Family Division Tracking System.
TRACK 2	Expedited 1/2-1 day trial estimate

TRACK 3	Routine 1-3 day trial estimate
TRACK 4	Complex 3 or more days trial estimate
TRACK 5	Expedited Business and technology immediate service
TRACK 6	Standard Business and technology

In the event there is a disagreement between the Plaintiff and Defendant, the Special Master/DCM Coordinator, Room 6, Law Library, (240) 777-9108, will review the track discrepancies and either change the track or request that the parties bring the discrepancy to the attention of the Scheduling Hearing Judge for resolution. Please see each track section for more detail.

POSTPONEMENT REQUESTS

All requests for postponement, regardless of the type of hearing, must be made in the form of a written Motion for Postponement. The Motion should include specific reasons for the postponement, the other party's position on the postponement (if possible), and a proposed Order. The use of attachments, i.e., previously received court notices, doctor's notes, etc., is encouraged. All civil case motions must be filed with the Clerk's Civil Department. [Note: Consent or joint motions are *NOT* automatically granted.]

All Motions for Postponement except for Family Law are processed by the Administrative Aides for the Administrative Judge or Acting Administrative Judge. The Administrative Aides are located in Room 307.

Do not send original Motions for Postponement directly to the Administrative Aides or the Administrative Judge, as this will delay the process. Please follow the instructions given below for filing.

If the Motion for Postponement is for a trial or hearing scheduled within three (3) weeks, it is advisable to walk it through to the Administrative Aides. You do not need to be an attorney to walk through a motion. The process is as follows:

First, obtain the court file.

Second, take file to Civil Department for docketing.

Third, take file to the Assignment Office to get proposed dates and/or confirmation of a previously agreed upon date, which has been cleared by the Assignment Office.

Fourth, take and leave file with the Administrative Aides, Room 307.

If you mail your request, please keep in mind that the Clerk's Office receives numerous filings daily and it may take several days to process your request.

If you have any questions concerning this process, please feel free to call the Administrative Aides at (240) 777-9107 or (240) 777-9106.

EXCEPTIONS TO FILING A MOTION FOR POSTPONEMENT

Track 0 and DCA cases may be rescheduled one time by a letter of agreement. The new date must be rescheduled on the calendar within thirty (30) days of the original date.

Civil motions may be rescheduled one time by a letter of agreement. The new date must be rescheduled on the calendar within thirty (30) days of the original date.

Track 3 Civil Scheduling Hearings may be rescheduled one time by consent of all parties and upon filing a joint line. They must be postponed within two (2) weeks of the original date.

If you have any questions regarding the above-listed exceptions, please contact the Assignment Office at (240) 777-9000.

If a case is specially assigned to a judge (entire case is specially assigned), the specially assigned judge will rule on the motion. Track 4 cases will be ruled on by a Track 4 judge.

AMENDED COMPLAINT/THIRD PARTY COMPLAINT

Filing an *amended or third party complaint* prior to the DCM hearings will not change any of the dates currently set. A motion and order to extend will need to be filed and referred to the Special Master/DCM Coordinator for review. The Administrative Judge will render a decision.

FAILURE TO APPEAR

Failure to appear at any of the DCM Hearings may result in a default judgment being entered, or a dismissal of the case. If a default for failure to appear or for failure to answer the complaint is granted, an order shall be signed by the judge and an *ex parte* proof of damages hearing will be set on the Civil Motions Docket. If all parties have failed to appear, or if the plaintiff has failed to appear, the court may dismiss the case. An order will be signed by the presiding judge and a copy will be sent to all parties.

STAYS

A stay order may be placed in the court file if the parties have settled their case, but cannot conclude final settlement prior to a scheduled event. An attorney of record must call the Assignment Office and inform them that the case has settled. If there are no outstanding cross claims, counterclaims, or third party claims, the Assignment Office will prepare an order staying the case.

To finalize the settlement and close the case, the parties must file a joint line of dismissal with the court. A \$15.00 Clerk's fee and payment of any open court costs are required when filing a Joint Line of Dismissal.

If a joint line of dismissal, open court costs, and \$15.00 Clerk's fee are not filed by the time the stay has expired, the Court will dismiss the case *sua sponte*.

CONSOLIDATIONS

All consolidations are to be forwarded to the Administrative Aides for review and submitted to the Administrative Judge for ruling. All consolidation hearings will be set by the Administrative Aides and heard by the Administrative Judge.

BIFURCATE/SEVER

After review of the court file, the court may, by motion or *sua sponte*, bifurcate the issues of liability and damages. The court shall specify whether liability is to be heard first and damages to follow, or if liability is to be heard first and damages are to be set at a later date. An accurate trial estimate shall be given to the Assignment Office regarding these issues.

If the court severs a party from the original case, a new court file will be opened with the plaintiff and severed defendant's name. The following instructions should be given to the Civil Clerk:

1. The name of the party to be severed.
2. Copies of the pleadings that are to be filed in the new case file.
3. Any other instructions regarding service, or new scheduling orders.
4. Please indicate the correct track assignment for the new case.

This procedure is not encouraged if other options can be considered to keep the case together as originally filed.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

At the present time, ADR is offered on a case-by-case basis. The parties may request a referral to an appropriate facilitator at any time after the case is at issue. At the Scheduling Hearing, the judge will inquire if ADR is indicated before or after the completion of discovery. If ADR is requested before discovery is completed, counsel must contact the Special Master/DCM Coordinator at (240) 777-9108 to initiate the process.

Once it is determined that the case is to be sent to ADR, a facilitator from the Montgomery County Bar Association with the appropriate background for the case is selected. An Order for ADR issues and documents are sent to the facilitator and counsel. Pursuant to the ADR Order, counsel are to contact the facilitator.

PLEASE SEE EACH TRACK SECTION FOR MORE SPECIFIC INFORMATION.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff

vs.

Defendant

Case No.

ORDER OF DEFAULT

This matter having come before the Court on the ____ day of _____, 200__, and it appearing to the Court that the Defendant, having been notified of this Pretrial Conference and failing to appear, it is this ____ day of _____, 2____, by the Circuit Court for Montgomery County, Maryland,

ORDERED that the Defendant is hereby declared to be in default; and it is further

ORDERED that this matter be set on _____, for Ex-Parte Proof of Damages.

ANN S. HARRINGTON
County Administrative Judge

NOTICE OF DEFAULT ORDER

You are hereby notified that an Order of Default has been entered against you in the above-entitled case on _____, 2____ (as stated above).

You may move to vacate the Order of Default within thirty (30) days of the date of entry. The motion shall state the reasons for the failure to appear and comply with the Court's Scheduling and Pretrial Conference Order.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff
vs.

Case No. _____

Defendant

Counsel Calling to Report Case Settled

Agreeing Counsel

CASE SETTLED

Yes _____ No _____

OUTSTANDING COUNTER/CROSS CLAIMS

Yes _____ No _____

CASE STAYED

Yes _____ No _____

STAY REQUESTED IN OPEN COURT

GRANTED BY JUDGE _____

DENIED BY JUDGE _____

STAY REQUESTED IN CHAMBERS

GRANTED BY JUDGE _____

DENIED BY JUDGE _____

Pursuant to Courts and Judicial Proceedings § 7-202:

Plaintiff to Submit Joint Line of Dismissal with \$15.00 Clerk's Fee and any outstanding court costs within 30 days.

Defendant to Submit Joint Line of Dismissal with \$15.00 Clerk's Fee and any outstanding court costs within 30 days.

Parties to Submit Joint Line of Dismissal with \$15.00 Clerk's Fee and any outstanding court costs within 30 days.

Received by: _____ Time Received: _____

Received: _____

ADDITIONAL INFORMATION:

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

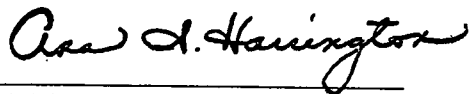
:
Plaintiff :
vs. : Case No.
:
Defendant :

ORDER STAYING CASE FOR 30 DAYS
(No. 935)

HAVING BEEN advised that the parties have agreed to a settlement of this case but can not at this time formally conclude the proceedings, and having determined that the parties are submitting a line to the Court stating same, it is this ____ day of _____, 200 __, by the Circuit Court for Montgomery County, Maryland

ORDERED that this case be **REMOVED** from the trial calendar and **STAYED** for a period of thirty (30) days; and it is further

ORDERED, that the parties shall file a Joint Line of Dismissal and filing fee within thirty (30) days. Failure to do so will result in the Court, *sua sponte*, dismissing the above-captioned matter without prejudice and without further Order of Court.



ANN S. HARRINGTON
County Administrative Judge

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

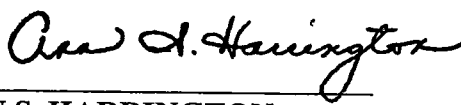
Plaintiff :
vs. : Case No.
Defendant :

ORDER STAYING CASE FOR DAYS
(No. 653)

HAVING BEEN advised that the parties have agreed to a settlement of this case but can not at this time formally conclude the proceedings, and having determined that the parties are submitting a line to the Court stating same, it is this ____ day of _____, 200__, by the Circuit Court for Montgomery County, Maryland

ORDERED that this case be **REMOVED** from the trial calendar and **STAYED** for a period of _____ days; and it is further

ORDERED, that the parties shall file a Joint Line of Dismissal and filing fee within _____ days. Failure to do so will result in the Court, *sua sponte*, dismissing the above-captioned matter without prejudice and without further Order of Court.


ANN S. HARRINGTON
County Administrative Judge

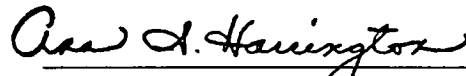
IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff :
vs. : Case No.
Defendant :

ORDER OF COURT
(CODE NO. 1515)

HAVING BEEN advised that the parties have agreed to binding arbitration in this case but cannot at this time formally conclude the proceedings, and having determined that the parties are submitting a line to the Court stating same, it is this ____ day of _____, 200__, by the Circuit Court for Montgomery County, Maryland

ORDERED that this case be **REMOVED** from the trial calendar and **STAYED** pending further Order of Court.


ANN S. HARRINGTON
County Administrative Judge

N/Transfer/AO/BindArb

:

$$\vdots$$

• •

:

:

N:\Transfer\A-O\Orders\Dismissal Order-FTA

CIVIL JUDGES SCHEDULE

Civil Trial Judges

Monday through Thursday 8:30 AM to 9:30 AM – Matters manually set by the Judge's Secretaries. (e.g. Civil Track 4 Matters and Specially Assigned Civil and Criminal Matters.)

Friday 8:30 AM to 9:00 AM - Matters manually set by the Judge's Secretaries. (e.g. Civil Track 4 Matters and Specially Assigned Civil and Criminal Matters.)

Monday through Thursday 9:30 AM to 4:30 PM – 2.5 trials set per judge. Example: 7 judges scheduled – 17 trials will be set.

Friday 9:00 AM to 9:30 AM – 4 Business and Technology Scheduling Conferences set.

Friday 9:30 AM to 12:30 PM – 90+ Track 3 Scheduling Conferences set. 20 set at 9:00 AM, 20 set at 9:30 AM, 20 set at 10:00 AM, 20 set at 10:30 AM, 20 set at 11:00 AM, and all resets are set at 11:30 AM. 50 + Track 4 Scheduling Conferences set. 10 set at 9:00 AM, 10 set at 9:30 AM, 10 set at 10:00 AM, 10 set at 10:30 AM, 10 set at 11:00 AM, and all resets are set at 11:30 AM.

Thursday through Friday 10:30 AM to 11:30 AM – 20 Status/Pretrial Conferences set each day before the Administrative Judge.

Monday through Friday 12:30 PM – 1:30 PM – Lunch.

Friday 1:30 PM to 4:30 PM – 45 Settlement/Pretrial Conferences set before the Administrative Judge and 4 Business and Technology Settlement/Pretrial Conferences set before the B & T Judges.

Civil Duty Judge

Monday through Friday 8:30 AM to 9:30 AM – Matters manually set by the Judge's Secretaries. (e.g. Civil Track 4 Matters and Specially Assigned Civil and Criminal Matters.)

Monday through Friday 9:30 AM to 12:30 PM – All Civil and Criminal Duty Matters.

Friday 11:30 am – 6 Video Bond Reviews set.

Monday through Friday 12:30 PM to 1:30 PM – Lunch.

Monday through Friday 1:30 PM to 4:30 PM – All Bench Warrant and Body Attachment returns and resume with the Civil and Criminal Duty Matters.

Civil Motion Judge

Monday through Friday 8:30 AM to 10:00 AM – Matters manually set by the Judge's Secretaries. (e.g. Civil Track 4 Matters and Specially Assigned Civil and Criminal Matters.)

Monday through Thursday 10:00 AM to 4:30 PM – 18 half hour Motion Hearings set. On Monday and Wednesday, 1 one hour motion may be set. On Tuesday and Thursday, 1 two hour motion may be set.

Friday 10:00 AM to 4:30 pm – 5 ½ hours of Register of Wills Matters set.

TAB B

Circuit Court for _____

City or County _____

CIVIL-NON-DOMESTIC CASE INFORMATION REPORT

Directions:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: ☐ PLAINTIFF ☐ DEFENDANT CASE NUMBER: _____ (Click to insert)

CASE NAME: _____ v _____

JURY DEMAND: ☐ Yes ☐ No Anticipated length of trial: _____ hours or _____ days

RELATED CASE PENDING? ☐ Yes ☐ No If yes, Case #(s), if known: _____

Special Requirements? ☐ Interpreter/communication impairment Which language _____
(Attach Form 1-332 if Accommodation or Interpreter Needed) Which dialect _____
☐ ADA accommodation: _____

NATURE OF ACTION
(CHECK ONE BOX)

DAMAGES/RELIEF

<p style="text-align: center;">TORTS</p> <p><input type="checkbox"/> Motor Tort</p> <p><input type="checkbox"/> Premises Liability</p> <p><input type="checkbox"/> Assault & Battery</p> <p><input type="checkbox"/> Product Liability</p> <p><input type="checkbox"/> Professional Malpractice</p> <p><input type="checkbox"/> Wrongful Death</p> <p><input type="checkbox"/> Business & Commercial</p> <p><input type="checkbox"/> Libel & Slander</p> <p><input type="checkbox"/> False Arrest/Imprisonment</p> <p><input type="checkbox"/> Nuisance</p> <p><input type="checkbox"/> Toxic Torts</p> <p><input type="checkbox"/> Fraud</p> <p><input type="checkbox"/> Malicious Prosecution</p> <p><input type="checkbox"/> Lead Paint</p> <p><input type="checkbox"/> Asbestos</p> <p><input type="checkbox"/> Other _____</p>	<p style="text-align: center;">LABOR</p> <p><input type="checkbox"/> Workers' Comp.</p> <p><input type="checkbox"/> Wrongful Discharge</p> <p><input type="checkbox"/> EEO</p> <p><input type="checkbox"/> Other _____</p> <hr/> <p style="text-align: center;">CONTRACTS</p> <p><input type="checkbox"/> Insurance</p> <p><input type="checkbox"/> Confessed Judgment</p> <p><input type="checkbox"/> Other _____</p> <hr/> <p style="text-align: center;">REAL PROPERTY</p> <p><input type="checkbox"/> Judicial Sale</p> <p><input type="checkbox"/> Condemnation</p> <p><input type="checkbox"/> Landlord Tenant</p> <p><input type="checkbox"/> Other _____</p> <hr/> <p style="text-align: center;">OTHER</p> <p><input type="checkbox"/> Civil Rights</p> <p><input type="checkbox"/> Environmental</p> <p><input type="checkbox"/> ADA</p> <p><input type="checkbox"/> Other _____</p>	<p style="text-align: center;">A. TORTS</p> <p style="text-align: center;">Actual Damages</p> <p><input type="checkbox"/> Under \$7,500 <input type="checkbox"/> Medical Bills</p> <p><input type="checkbox"/> \$7,500 - \$50,000 \$ _____</p> <p><input type="checkbox"/> \$50,000 - \$100,000 <input type="checkbox"/> Property Damages</p> <p><input type="checkbox"/> Over \$100,000 \$ _____</p> <p><input type="checkbox"/> Wage Loss \$ _____</p> <hr/> <p style="text-align: center;">B. CONTRACTS</p> <p><input type="checkbox"/> Under \$10,000</p> <p><input type="checkbox"/> \$10,000 - \$20,000</p> <p><input type="checkbox"/> Over \$20,000</p> <hr/> <p style="text-align: center;">C. NONMONETARY</p> <p><input type="checkbox"/> Declaratory Judgment</p> <p><input type="checkbox"/> Injunction</p> <p><input type="checkbox"/> Other _____</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation ☐ Yes ☐ No C. Settlement Conference ☐ Yes ☐ No
B. Arbitration ☐ Yes ☐ No D. Neutral Evaluation ☐ Yes ☐ No

TRACK REQUEST

With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

☐ ½ day of trial or less ☐ 3 days of trial time
☐ 1 day of trial time ☐ More than 3 days of trial time
☐ 2 days of trial time

PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY.

Date _____ Signature _____

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.



Expedited

Trial within 7 months of
Defendant's response



Standard

Trial - 18 months of
Defendant's response

☐ EMERGENCY RELIEF REQUESTED _____

Signature

Date

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE
GEORGE'S COUNTY PLEASE FILL OUT THE APPROPRIATE BOX BELOW.**

CIRCUIT COURT FOR BALTIMORE CITY (check only one)

- ☐ Expedited Trial 60 to 120 days from notice. Non-jury matters.
- ☐ Standard-Short Trial seven months from Defendant's response. Includes torts with actual damages up to \$7,500; contract claims up to \$20,000; condemnations; injunctions and declaratory judgments.
- ☐ Standard-Medium Trial 12 months from Defendant's response. Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000.
- ☒ Standard-Complex Trial 18 months from Defendant's response. Includes complex cases requiring prolonged discovery with actual damages in excess of \$50,000.
- ☐ Lead Paint Fill in: Birthdate of youngest plaintiff _____.
- ☐ Asbestos Events and deadlines set by individual judge.
- ☐ Protracted Cases Complex cases designated by the Administrative Judge.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is not an admission and may not be used for any purpose other than Track Assignment.

- ☐ Liability is conceded.
- ☐ Liability is not conceded, but is not seriously in dispute.
- ☐ Liability is seriously in dispute.

CIRCUIT COURT FOR BALTIMORE COUNTY

- ☐ Expedited (Trial Date-90 days) Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.
- ☐ Standard (Trial Date-240 days) Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, Intentional Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.
- ☐ Extended Standard (Trial Date-345 days) Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency.
- ☐ Complex (Trial Date-450 days) Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.

TAB C

CIVIL CASE TRACKING GUIDELINES

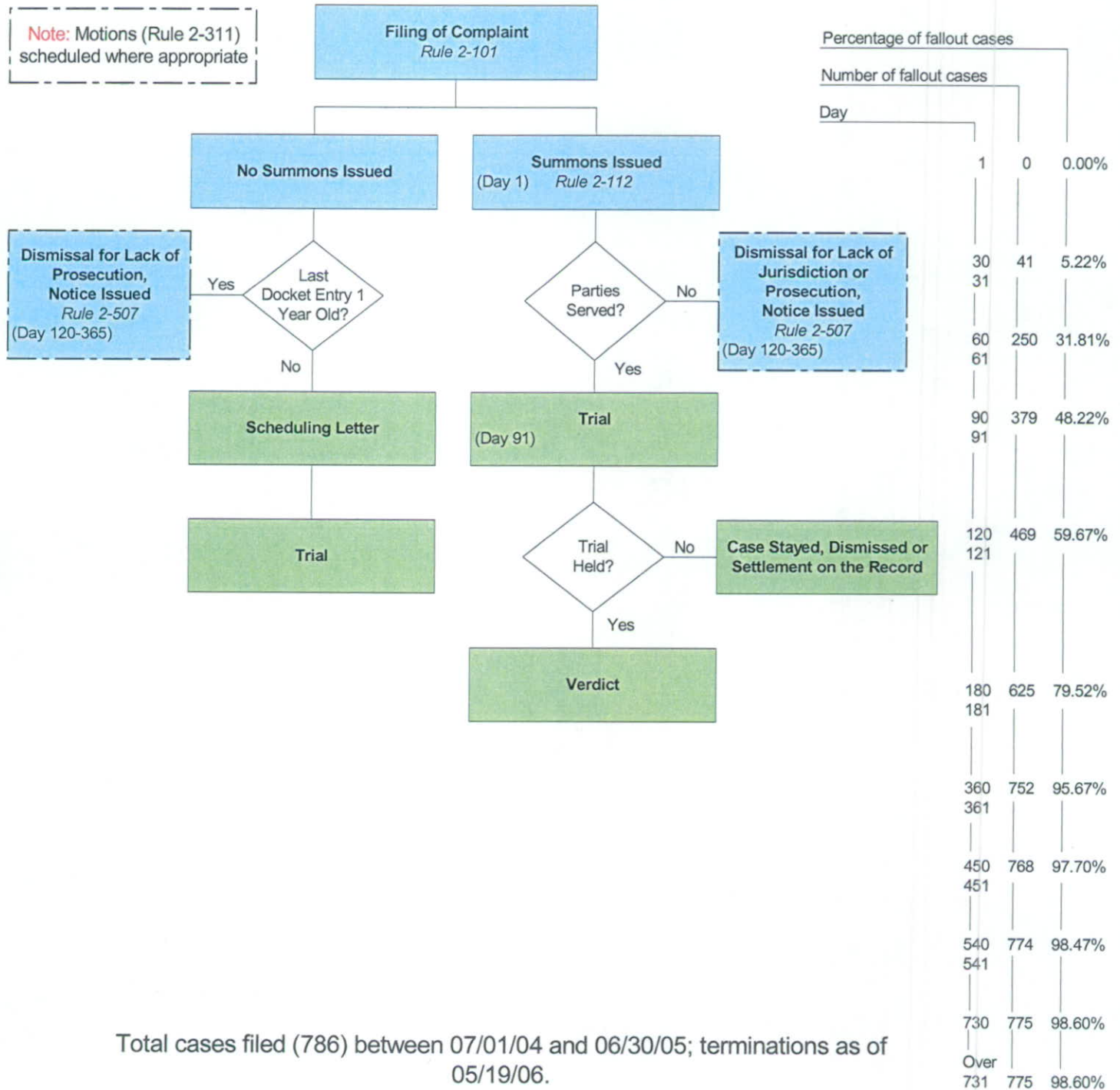
EVENT	TRACK 0 (DCA, AA, Mechanic Liens, etc.)	TRACK 2 ½ -1 day (Expedited)	TRACK 3 Standard (Normal)	TRACK 4 3 days + (complex)
	DAY	DAY	DAY	DAY
Filing of Complaint	1	1	1	1
Scheduling Hearing			91	91
Plaintiff's Experts Identified			151	166
Defendant's Experts Identified			211	211
All Written Discovery Served By			241	256
Discovery Completed		121	271	286
Motions Filing Cut-Off Date		136	281	331
Meeting of All Counsel			312	347
Joint Pretrial Stmt. Filed			321	356
Status/Pretrial Hearing		181		
Settlement/Pretrial Hearing			326	361
Trial	31-91	211-271	356-416	391-481

TRACK 0

Civil Track 0

No Discovery or Issues
Not Requiring Formal Discovery

Note: Motions (Rule 2-311)
scheduled where appropriate



CIVIL - TRACK 0

No discovery or issues not requiring formal discovery

=====

DAY

1

FILING OF COMPLAINT

District Court Appeals, Injunctions, Mechanic's Liens, Restraining Orders, Administrative Appeals, Mandamus cases, Judicial Release cases, Declaratory Relief, Forfeiture cases (money or vehicles), Landlord and Tenant Jury Demands and Appeals, Sale in lieu of Partition (excluding divorce matters), etc.

91

30 - 90 days

TRIAL DATE

TRACK 0

Track 0 cases are legal issues with no discovery, or legal issues not requiring formal discovery.

Track 0 cases are forwarded to the Assignment Office for scheduling. District Court Appeals (on the record), and Administrative Appeal cases will be specially assigned to the next available judge on rotation. All other Track 0 cases will be set on the general assignment docket within 30 to 90 days, or in accordance with the Maryland Rules of Procedure.

Track 0 cases that exceed the 90 day maximum limit will be set for a Status Hearing on the 10:30 AM Status/Pre-trial Hearing docket. This hearing is to determine why the case is not at issue for a trial date to be set.

TYPES OF CASES: District Court Appeals, Injunctions, Mechanic's Liens, Restraining Orders, Administrative Appeals, Mandamus cases, Judicial Release cases, Declaratory Relief, Forfeiture cases (money or vehicles), Landlord and Tenant Jury Demands and Appeals, Sale in Lieu of Partition (not involving divorce matters), etc.

Any requests for postponements of specially assigned Track 0 cases should be directed to that Judge's chambers.

Regular Track 0 cases may be rescheduled one time by a letter of agreement with an agreed date given by the Assignment Office. The new date must be within thirty (30) days of the original date. If a new date cannot be agreed upon, then a formal motion for postponement will need to be filed. The motion will be referred to the Administrative Aides for review and submitted to the Administrative Judge for a final ruling.

*file
in
DCA
civil
Binder*

Date: 2/20/2004 2:42 PM
Sender: Ellen Steiger
To: #Assignment Office
Ronni Dumbroski
Pam Harris

Priority: Normal

Subject: Landlord Tenant Cases

Effective February 23, 2004 Landlord Tenant Jury Demand cases from the District Court will be Track O cases. These cases will now print out on the Track O "cases at issue for trial" sheet

They should be set within 45-60 days (the same as DCA LT appeals). The cases should be set on a Tuesday or Wednesday for a one day jury trial. Notice is to be sent to all parties.

Let me know if you have any questions.

Ellen

TRACK 1

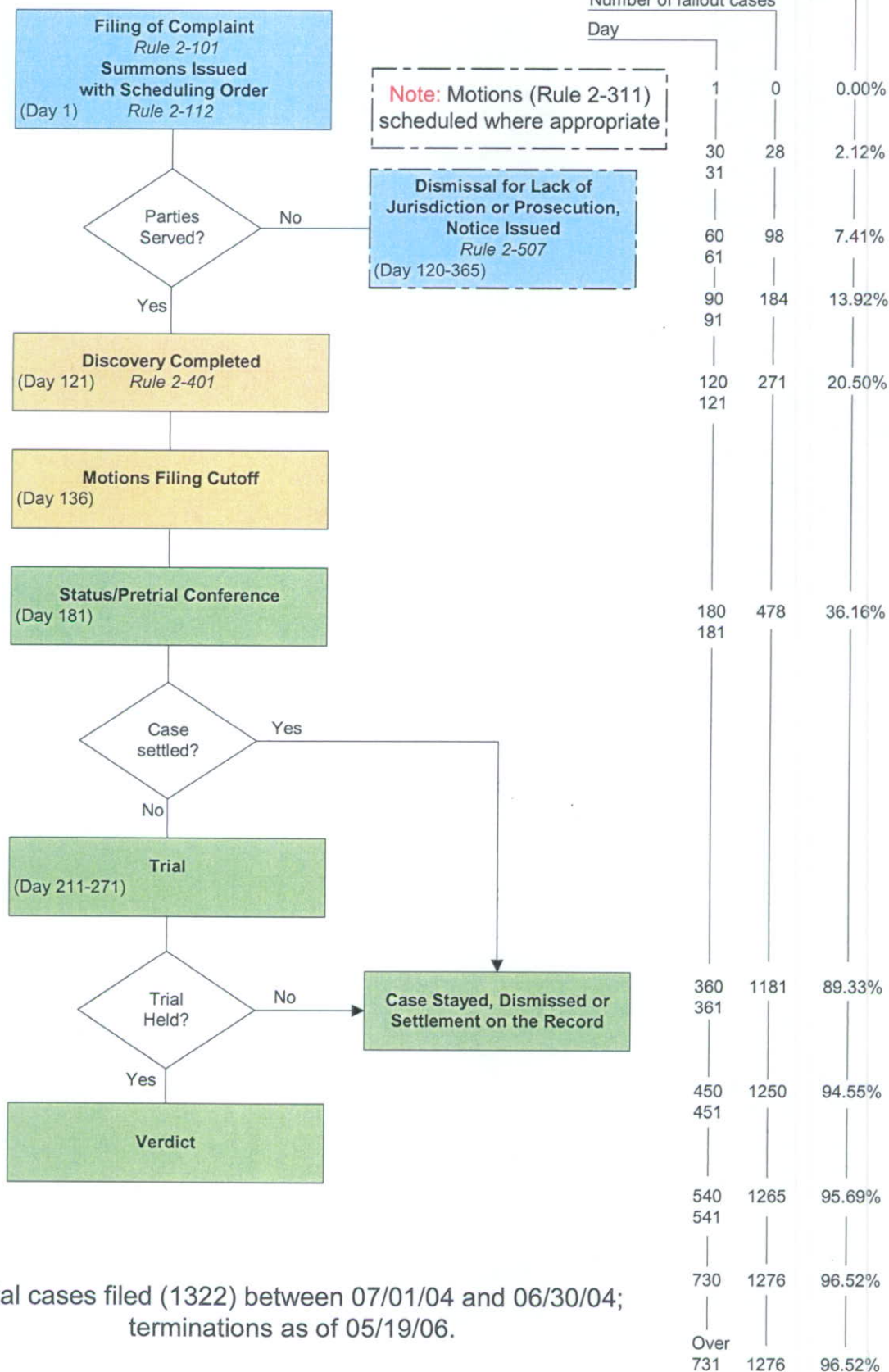
TRACK 1 -- DOMESTIC

(See Family Differentiated Case Management Manual)

TRACK 2

Civil Track 2

Expedited
Trial Estimate: 1/2 to 1 Day



Total cases filed (1322) between 07/01/04 and 06/30/04;
terminations as of 05/19/06.

CIVIL TRACK 2

Expedited - 1/2 to 1 Day Trial Estimate

=====

DAY

1 FILING OF COMPLAINT

Computer to post Status/Pre-trial Hearing on the Assignment Office docket, record cutoff dates, and print Scheduling Order. Civil Office to mail copy back to plaintiff, attach copy to summons for each defendant along with the Defendant's Information Form, and a copy of the Plaintiff's Information Form if provided.

(If there is a discrepancy as to the track information, counsel for the defendant shall notify the Special Master/DCM Coordinator at (240) 777-9108 as soon as possible).

121 120 days DISCOVERY COMPLETED

136 15 days MOTIONS FILING CUTOFF

181 45 days STATUS/PRE-TRIAL HEARING

Set on Thursday and Friday at 10:30 AM. The maximum amount for each day is 20 cases. Friday will be set first, and any overflow will be set on the previous Thursday. Status/Pre-trial Statement to be prepared with the following information provided:

1. State nature of case.
2. Set forth claims and defenses.
3. Stipulations.
4. Number of witnesses and exhibits.

211-271 30-90 days TRIAL DATE

TRACK 2

Track 2 is the expedited track. The length of the trial is anticipated to be 1/2 day to 1 day duration. This track is primarily worker compensation cases and civil jury demands from the District Court. If an information form selecting the track for these matters is not provided, the Civil Office will automatically place them on Track 2.

The discovery completed deadline is 120 days following the filing of the complaint. The motions filing cutoff is 135 days following the filing of the complaint, and the status/pre-trial hearing is 180 days following the filing of the complaint. Counsel and parties are notified of all dates, excluding the trial date, in a Scheduling Order when the complaint is filed, and when service is obtained.

At the Status/Pre-trial Hearing a trial date is set by the Administrative Judge to commence in approximately 30 to 90 days. Trial counsel must appear at the Status/Pre-trial Hearing, and submit in writing a Pre-trial Statement which includes the nature of the case, all claims and defenses, all stipulations, and the number of witnesses and exhibits.

When a Track 2 case is filed, a Scheduling Order will be generated. The cut-off dates, and Status/Pre-trial Hearing will be automatically posted in the computer. The Civil Department will forward the order, along with summons, to the plaintiff's attorney. A Defendant's Information Form and a copy of the Plaintiff's Information Form will be attached to the summons.

TYPES OF CASES: Workmen's Compensation Appeals, Civil Jury Demands from the District Court, Due on Account, Auto Negligence - Personal Injury and Property Damage, Breach of Contract, Negligence - Property Damage and Personal Injury, Due on Promissory Note, etc.

Status/Pre-trial Hearings are set on Thursdays and Fridays at 10:30 AM. The maximum amount for each day is 20 cases. Cases will be set on Friday first, and any overflow will be set on the previous Thursday.

All Track 2 motions are set on the general Civil Motions Docket, and set within the guideline time frames as dates permit.

Requests to reissue service prior to the Status/Pre-trial Hearing will not produce a new Scheduling Order with new dates. If reissued, a copy of the original Scheduling Order will be attached to the new summons to be served. THE DATES WILL NOT BE MODIFIED SIMPLY BECAUSE A LINE TO REISSUE WAS FILED.

Requests to reissue service at the Status/Pre-trial Hearing may be requested if the plaintiff appears, and the defendant has not been served. The Court may direct the clerk to reissue the summons. The parties are directed to the Assignment Office with the file, and an effective date. The Assignment Clerk will produce a new Scheduling Order with new dates based on the effective date given in the courtroom. Copies will be handed to the attorney to attach to the defendant's copy of the summons when received from the Civil Clerk's Office. If the case was filed after 10/01/1994, the Court may dismiss the case for failure to obtain service within 120 days pursuant to **Rule 2-507(b)**. It should be noted that there are special clerks in the Civil Office to handle all DCM courtroom work and service requests. There are also special clerks in the Assignment Office to handle all Scheduling Orders and track changes.

Track changes are obtained if either party disagrees with the track selection. They shall file a motion and order requesting the track to be changed. The motion will be referred to the Special Master/DCM Coordinator in Room 6 of the Law Library. The file will be reviewed, and sent to the Administrative Judge for ruling. The Assignment Office will generate a new Scheduling Hearing Notice or Scheduling Order, and mail a copy to all parties if granted.

When the defendant files the information form, and the track designation is different from the plaintiff's form, the Special Master/DCM Coordinator will issue a Track Change Memorandum to the Assignment Office. A new Scheduling Hearing Notice or Scheduling Order will be issued. A copy will be mailed to all parties.

When track changes are done in open court, the attorneys will be sent to the Assignment Office with the file. The Assignment Clerk will issue a new Scheduling Order and Order for Mandatory Settlement/Pre-trial Hearing. Copies will be disbursed to all counsel and parties present. Copies will be mailed to the parties and counsel not present.

Motions to extend or modify the Scheduling Orders will be referred to the Special Master/DCM Coordinator in Room 6 of the Law Library. Discovery and motions cutoff dates will be strictly enforced. Any motion requesting a modification of these cutoff dates should be supported by good cause shown. If any dates are modified the file needs to be sent to the Assignment Office to update the computer.

Motions to postpone the Status/Pre-trial Hearing will be referred to the Administrative Aides for the Administrative Judge's decision. The Status/Pre-trial Hearing will be set back in within two (2) weeks unless good cause is shown to extend the hearing further.

At the Status/Pre-trial all trial counsels are to be present with their clients, or have phone access to their clients. A Pre-trial Statement must be prepared by all parties stating the nature of the case, set forth claims and defenses, stipulations, and the number of witnesses and exhibits. If no settlement is reached the Assignment Office will schedule a trial date within 30 to 90 days, or as calendars permit. The trial date will be firm, and may only be moved if a motion for postponement is granted by the Administrative Judge. Any discovery or special requests should be addressed at the Status/Pre-trial Hearing.

TAB D

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

TRAVIS MURRELL
Defendant

Case No. 256994-V

SCHEDULING ORDER - TRACK II

This ORDER is your official notice of dates and required Court appearances. ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION AND FILED BEFORE THE COMPLIANCE DATE(S). The motion must provide good cause to justify the requested modification. Failure to appear or comply with all terms may result in dismissal, default judgment, refusal to let witnesses testify, refusal to admit exhibits, the assessment of costs and expenses, including attorney fees, or other sanctions.

Trial counsel shall appear at the Status/Pre-trial Hearing. At that time, trial counsel shall submit in writing the following:

- (1) The nature of the case;
- (2) Set forth claims and/or defenses;
- (3) Stipulations;
- (4) Identify witnesses and exhibits.

If there is a discrepancy as to track information, counsel for defendant shall notify the Court - Differentiated Case Management Division at (240) 777-9108 Susan Kalil.

DATE: 12/02/2004
(At filing of Complaint)

This case is assigned to Civil Track II

Ann S. Harrington
Ann S. Harrington,
County Administrative Judge

DISCOVERY COMPLETED 11/14/2006
MOTIONS/INC DISPOSITIVE FILED BY 11/29/2006
STATUS/PRETRIAL HRG. 01/19/2007 10:30

MOTIONS FILED IN A TRACK II ACTION SHALL NOT EXCEED 15 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 10 PAGES WITHOUT LEAVE OF COURT.

CHECKLIST FOR CIVIL TRACK CASES

Civil Case No. 256994-V Track No. II

SIMON KROWITZ MEADOWS & BORTNICK PA

V.

TRAVIS MURRELL

Date of Status/Pretrial Hearing : 01/19/2007

Trial Date to be set within 30-90 days Trial: Court

Plaintiff's Attorney(s): GILBERT L SUSSMAN

Defendant's Attorney(s): Pro Se

Related or Consolidated Cases: _____

Age of Case: 32 days

Track Guideline: 211-271 days

(ADR) Alternative Dispute Resolution requested: YES _____ NO _____

Pretrial Statement with Voir Dire filed _____

Interpreter needed? YES _____ NO _____

(If Yes, please refer the party(s) to the Civil Department, Room 107, Lobby Level, to obtain and file the 1-332 Form)

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
PLAINTIFF

vs.

Case No.: 256994-V

TRAVIS MURRELL
DEFENDANT

ORDER FOR ALTERNATIVE DISPUTE RESOLUTION (ADR)
(845)

This matter is currently set for Status/Pretrial Hearing on January 19, 2007. It is this 17th day of July, 2006.

ORDERED, that this matter stand for an ADR Conference with the following Court-appointed facilitator:

Counsel are required to contact the Facilitator within **FIVE** days of this Order to arrange the ADR Schedule.

ADR is to be conducted and concluded by **January 19, 2007**. The parties and insurance adjusters must appear with counsel and have full settlement authority. **The Facilitator may not excuse any party or cancel the ADR Conference without further Order of Court.**

The parties shall compensate the Facilitator, on a pro rata basis, the fee of \$150.00 per hour.

Please read the attached instructions carefully. They are part of this Order.

Ann D. Harrington

Judge, Circuit Court for Montgomery
County, Maryland

1. Upon receipt of this Order, the parties or counsel shall contact each other immediately to conform calendars. Parties are required to contact the Facilitator to schedule an agreeable date and time. The Facilitator shall notify the DCM Division of the Court, 50 Maryland Avenue, Room 6, Law Library, Rockville, Maryland 20850, in writing of the date, time, and place of the ADR.

2. Personal attendance at the ADR Conference and good faith participation is mandatory for all attorneys and parties in this case. The party and representative must attend ADR with full authority to make final and binding decisions related to settlement. If the party is a company or non-individual entity, the attendance is mandatory for a representative with authority to settle this case. If insured, the attendance of the insurance adjuster and the insured party is mandatory, unless arrangements have been made in advance with the Facilitator for the adjuster to be available by telephone during the ADR conference.

3. Enclosed with this Order is a CONFIDENTIAL ADR STATEMENT to be completed by each party or their attorney. The Facilitator must receive each party's Confidential ADR Statement at least FIVE business days before the ADR.

4. If a settlement is reached prior to the ADR date, the Assignment Office and Facilitator must be notified immediately. If a settlement is reached as a result of the ADR Conference, parties shall file a joint line requesting a Stay Order pending final Settlement and notify the Assignment Office. Upon receipt of the joint line or request for stay, the Assignment Office will remove the Pretrial date and the case will be marked as "settled and off." A \$15.00 Clerk's fee will be required with the joint line pursuant to 7-202, Courts and Judicial Proceedings Article. The Facilitator shall notify DCM of the outcome of the ADR Conference by returning the ADR Data Sheet.

5. Parties and attorneys are put on notice that failure to attend and participate in good faith in the ADR Conference without further Court Order canceling or excusing such attendance could result in the issuance of a Show Cause Order and the imposition of sanctions. Sanctions could take the form of attorney's fees, ADR fees and costs to the other side as well as findings of contempt with resulting penalties. The Facilitator's fee will reflect the substantive time spent in ADR. It is the parties' responsibility to assure that the Facilitator is paid promptly to be in compliance with this Court's Order.

TRACK 3

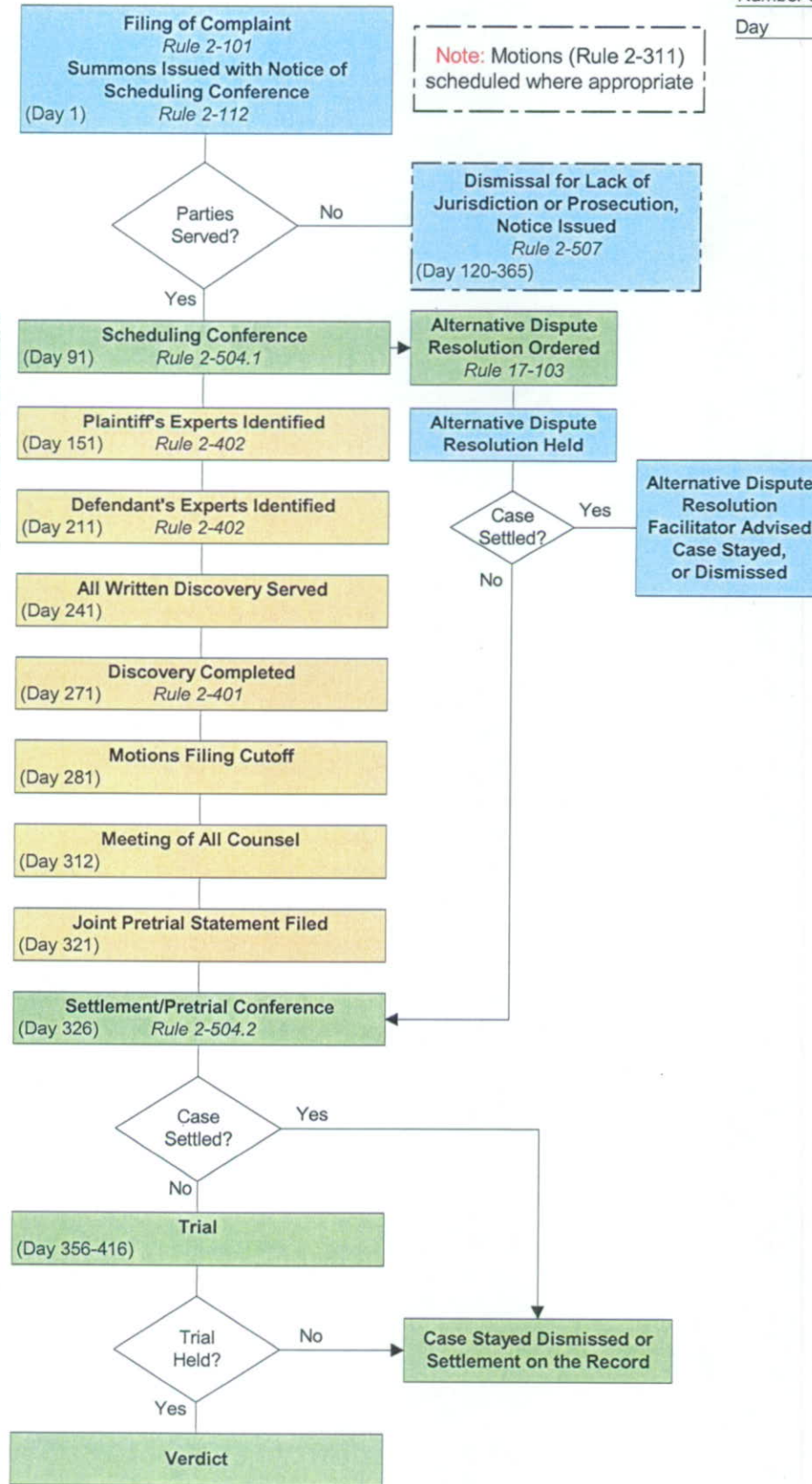
Civil Track 3

Routine

Trial Estimate: 1 to 3 Days

Note: Alternative Dispute Resolution may be held at any time between the Scheduling Conference and Settlement/Pretrial Conference. ADR must be concluded prior to the Settlement/Pretrial Conference.

Note: Motions (Rule 2-311) scheduled where appropriate



Percentage of fallout cases		
Number of fallout cases		
Day		
1	0	0.00%
30	10	0.88%
31		
60	58	5.11%
61		
90	111	9.79%
91		
120	210	18.52%
121		
180	289	25.49%
181		
360	558	49.21%
361		
450	743	65.52%
451		
540	865	76.28%
541		
730	890	78.48%
Over		
731	890	78.48%

Total cases filed (1134) between 07/01/04 and 06/30/05; terminations as of 05/19/06.

CIVIL TRACK 3

Routine - 1 to 3 Day Trial Estimate

=====

DAY

1 FILING OF COMPLAINT

Computer to post Scheduling Hearing on the Assignment Office docket, record cutoff dates, and print notice of Scheduling Hearing. Civil Office to mail copy back to plaintiff, attach copy to summons for each defendant along with the Defendant's Information Form, and a copy of the Plaintiff's Information Form if provided.

91 90 days SCHEDULING HEARING

10 cases set per 1/2 hour per judge (2).

1. Confirm Scheduling Order dates.
2. Judge to ascertain whether ADR is feasible at this time.
3. Determine if settlement is possible whether settlement has been discussed or not.
4. Disperse Scheduling Order and Settlement/Pre-trial Orders.

151 60 days PLAINTIFF'S EXPERTS IDENTIFIED

Identify all persons whom you expect to call as expert witnesses. As to each expert named, state the subject matter, substance of the findings and opinions, and summary of the grounds for each opinion on which the expert is expected to testify. Attach copies of all reports received from each expert witness.

211 60 days DEFENDANT'S EXPERTS IDENTIFIED

Same as above.

241	30 days	ALL WRITTEN DISCOVERY SERVED BY
271	30 days	DISCOVERY COMPLETED
281	10 days	MOTIONS FILING CUTOFF
312	-9 days	MEETING OF ALL COUNSEL Meeting is to take place 9 days before the Settlement/Pre-trial Hearing to prepare the Joint Pre-trial Statement, and to discuss settlement.
321	-5 days	JOINT PRE-TRIAL STATEMENT FILED BY A JOINT Pre-trial Statement is to be filed 5 days prior to the Settlement/Pre-trial Hearing.
326	45 days	SETTLEMENT/PRE-TRIAL HEARING Cases that may settle will be called first, and referred to a Civil Judge for settlement. Remaining cases will stay with the Administrative Judge to set a trial date.
356-416	30-90 days	TRIAL DATE

TRACK 3 - STANDARD - ONE TO THREE DAY TRIAL

Track 3 is considered to be the routine track. The length of the trial is anticipated to be a 1 day to 3 day duration.

In compliance with **Rule 2-504.1** a Scheduling Hearing is held 90 days after the filing of the complaint.

Scheduling Hearings are scheduled Friday. They are scheduled between 9:00 AM and 11:30 AM. There are 10 cases set per 1/2 hour time slot per judge. Two (2) judges are assigned to this docket on a rotating basis.

At the Scheduling Hearing the judge will:

1. Discuss referring the case to ADR.
2. Place the Scheduling Order and Order for Mandatory Settlement/Pre-trial Order into effect.
3. Determine if the track is appropriate.
4. Determine if all parties have been served.

FAILURE TO OBTAIN SERVICE, OR REISSUING SERVICE PRIOR TO THE SCHEDULING HEARING, WILL NOT REMOVE THE HEARING, OR CHANGE THE HEARING DATE. COUNSEL FOR THE PLAINTIFF IS REQUIRED TO APPEAR AT THE SCHEDULING HEARING TO INFORM THE COURT OF THE STATUS OF OBTAINING SERVICE AND TO REQUEST NEW SERVICE IF APPROPRIATE.

The Scheduling Hearing may be postponed ONE (1) time by consent of all parties to either of the two succeeding Fridays. The date should be checked with the Assignment Office to confirm its availability. A joint line shall be filed with the Assignment Office stating the agreed date. The new time will be 11:30 AM. If the defendant has not been served, the plaintiff may move the Scheduling Hearing without consent. All appropriate pleadings must be attached to the summons to be served upon the defendant.

TYPES OF CASES: Auto Negligence - Personal Injury and Property Damage, Negligence - Personal Injury, Property Damage, and Slip and Fall, Breach of Agreement, Breach of Contract, Negligent Entrustment, Violation of Rights, Defamation of Character - Negligence, Wrongful Discharge, etc.

A copy of the Scheduling Hearing Courtroom Worksheet is provided to each judge prior to the Scheduling Hearing. Judges are encouraged to use the codes, and explanations provided in order to assist the Courtroom Clerks with the courtroom work. The computer coded form was developed to save the Judge and Courtroom Clerk from repetitive writing. A separate form will be provided for each case. It would be helpful to the Courtroom Clerks if the judge assigned to the Scheduling Hearing would select the correct code, and indicate any additional comments that the docket entries should reflect. Since there are multiple parties, some of whom are not served, confusion can be eliminated if the judge clarifies this on the record. The form is filled out by the Courtroom Clerk and sent with the file to the Civil Office. The computer code is entered into the system and an automatic entry is made.

The judge and parties are to confirm the deadline dates on the Scheduling Order. Any amendments to the deadline dates are to be requested in the form of a motion and forwarded to the Special Master/DCM Coordinator for review. The deadline dates are dates in which specific items should be complied with.

At the Scheduling Hearing, if the defendant(s) have not been served, the Scheduling Order will be put into effect with instructions for the Civil Clerk to reissue a new summons. It will be the responsibility of the counsel filing the complaint to serve the Scheduling Order on any unserved defendant(s) in the case. Counsel may file, prior to any cut-off dates, the appropriate motion to resolve any discrepancies in the Scheduling Order.

Scheduling Hearings should not be postponed unless there are exceptional circumstances. Failure to serve defendant(s) should not be a basis for postponing a Scheduling Hearing. A postponement does not automatically generate a new Scheduling Order.

The case may be stayed by the court until the plaintiff can locate the defendant and effect proper service. If no further action is taken by the plaintiff to remove the stay and proceed with service, the case may be dismissed pursuant to **Rule 2-507(b)**.

The Judge assigned to hear Scheduling Hearings shall confirm with counsel and resolve any track differences at the Scheduling Hearing. Deferral of the resolution of track differences to a later date generally serves to complicate matters as the Settlement/Pre-trial nears.

Track changes requested at the Scheduling Hearing will be sent to the Assignment Office, with the court file, for a new Scheduling Order. The Assignment Clerk will generate new orders, and hand them to the attorneys. Copies will be mailed to any parties not present in court.

Track changes requested prior to the Scheduling Hearing will be handled the same as Track 2 cases.

Motions to extend and modify should be filed before the scheduled date. These motions will be referred to the Special Master/DCM Coordinator for review and forwarded to the Administrative Judge for a decision. Discovery and motions cut-off dates will be strictly enforced.

Motions to postpone a scheduled hearing date should be filed before the scheduled date and referred to the Administrative Aides for their review. The motion will then be forwarded to the Administrative Judge for a decision.

All Track 3 motions are scheduled on the general Civil Motions Docket and set within the guideline time frames as permitted.

As required by the Order for Settlement/Pre-trial Hearing, parties are to file a Joint Pre-trial Statement 5 days prior to the hearing in accordance with **Rule 2-504**. The statement shall be signed by all parties or trial counsel. A courtesy copy shall be provided to the Special Master/DCM Coordinator in Room 6 of the Law Library. The Special Master/DCM Coordinator will review the statement to assure that compliance has been met. A brief explanation of the following is required.

1. NATURE OF CASE: Provide sufficient facts describing the nature of the occurrence at issue.
2. CLAIMS AND DEFENSES: Each party is to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. UNDISPUTED ISSUES AND FACTS: List all issues not in dispute and set forth stipulated facts.
4. RELIEF SOUGHT: Specify the type and nature of injury as well as the amount of each item of damage claimed or a description of equitable relief sought by each party.
5. WITNESSES: File each party's list of witnesses with addresses. Expert witnesses shall be so designated and list matters about which experts will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
6. EXHIBITS: File each party's list of trial exhibits, other than impeachment exhibits, indicating those requiring formal proof of authenticity.
7. REQUESTED VOIR DIRE QUESTIONS: Identify those agreed upon and include any objections made by either side.
8. PATTERN JURY INSTRUCTIONS: Identify those agreed upon and those not agreed upon.

9. NON-PATTERN JURY INSTRUCTIONS: Supply a complete text of each instruction, with authorities, on a separate page.

Settlement/Pre-trial Hearings are scheduled every Friday at 1:30 PM before the Administrative Judge. There is a maximum of 45 cases that can be set for this docket per Friday. All motions for postponement of the Settlement/Pre-trial will be sent to the Administrative Aides for review, and then the Administrative Judge for a decision.

The purpose of the Settlement/Pre-trial Hearing is to have the parties and counsel meet with a judge to discuss settlement, and to prepare the case for trial if a settlement cannot be reached. The Administrative Judge calls the primary docket. The cases that are to be referred to another judge for settlement purposes will be called first. A trial date will be given, and the case will be sent to one of the available civil judges for settlement.

If the case settled, the settlement will be placed on the record. If the case did not settle, then the trial date given will be confirmed on the record by the settlement judge. **It is imperative that this information be placed on the record.** The Assignment Office needs to verify the settlement or trial date in order to update the calendar accordingly.

Failure to appear at the Settlement/Pre-trial Hearing may result in a default judgment being entered or a dismissal of the case.

Default for failure to answer the complaint: If a default for failure to answer the complaint is granted, the moving party will take the file to the Administrative Aides for a proper order to be entered. The order will be returned to the courtroom for a hearing on *ex parte* proof of damages to be set.

Dismissal for failure to appear: If all parties have failed to appear or if the plaintiff has failed to appear, the court may dismiss the case. An order will be signed by the presiding judge and a copy will be sent to all parties.

The Administrative Judge will proceed with the remaining cases to assure that compliance has been met with the Joint Pre-trial Statement and discovery cutoff. Any discovery problems or motions that are still outstanding should be addressed at this time. If a discovery deadline is extended, a specific date will be set for completion and a motions hearing date will be set on the next available date. A further inquiry will be made as to the possibility of a settlement discussion. If no discussion is forthcoming, the judge will establish the length of trial (jury or court) and set a trial date. The trial date will be set within 30 to 90 days. The date will be supplied by the Assignment Clerk in the courtroom.

TAB E

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

TRAVIS MURRELL
Defendant

:
:
:
: Civil No. 256994-V
:
:
:

NOTICE OF SCHEDULING HEARING AND ORDER OF COURT - TRACK 3

At the time and place noted below, all counsel and unrepresented parties shall appear before the Court at a Scheduling Hearing to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including either mediation or case evaluation. Counsel shall discuss with their clients prior to the Hearing whether the clients are agreeable to mediation. This is the only notice that parties and counsel will receive concerning the date of the Scheduling Hearing. Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.

Upon advice that the date noted below is inconvenient for any party or counsel, the Assignment Office may postpone the Scheduling Hearing once, with the consent of all parties, to either of the two succeeding Fridays; parties shall file a joint line to the Assignment Office stating the agreed date. All postponed Hearings will be held at 11:30 a.m. No other postponements of the Hearing will be granted except upon motion for good cause shown.

Defendant's Civil Information Form must be filed with the initial pleading and a copy mailed to Plaintiff.

MOTIONS FILED IN A TRACK 3 ACTION SHALL NOT EXCEED 15 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 10 PAGES WITHOUT LEAVE OF COURT

Attorneys to bring calendar to Scheduling Hearing.

DATE: 07/18/2006

Ann S. Harrington

Ann S. Harrington,
County Administrative Judge

Scheduling Hearing: October 20, 2006, at 9:00 AM
Consult monitors in the Lobby for Courtroom Assignment

TAB F

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

TRAVIS MURRELL
Defendant

Case No. 256994-V

SCHEDULING ORDER

This ORDER is your official notice of dates and required Court appearances. ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION AND FILED BEFORE THE COMPLIANCE DATE(S). The motion must provide good cause to justify the requested modification. Settlements between counsel shall not be effective to change any deadlines absent court approval. Failure to appear or comply with all terms may result in dismissal, default judgment, refusal to let witnesses testify, refusal to admit exhibits, the assessment of costs and expenses, including attorney fees, or other sanctions.

DATE: 12/02/2004
(At filing of Complaint)

Ann S. Harrington
Ann S. Harrington,
County Administrative Judge

This case is assigned to Civil Track III

	Track 2	Track 3	Track 4	Judge
SCHEDULING HEARING		11/03/2006 9:00	11/03/2006	
PLT EXPERTS IDENTIFIED/FILED BY		01/02/2007	01/17/2007	
DEF EXPERTS IDENTIFIED/FILED BY		02/28/2007	03/05/2007	
ALL WRITTEN DISCOVERY SERVED BY		03/30/2007	04/17/2007	
DISCOVERY COMPLETED	11/20/2006	04/30/2007	05/17/2007	
MOTIONS/INC DISPOSITIVE FILED BY	12/04/2006	05/09/2007	07/02/2007	
MEETING OF ALL COUNSEL		06/15/2007	07/20/2007	
JOINT PRETRIAL STMT FILED BY		06/22/2007	07/27/2007	
STATUS PRETRIAL HRG.	01/18/2007 10:30			
SETTLEMENT/PRETRIAL HRG.		06/29/2007 1:30	08/03/2007 1:30	

Identification of additional parties is governed by Rule 2-331, 2-332 and 2-341.

Compliance with identification of experts requires one to provide in writing, in the manner set forth in Rule 2-402(f)(1), the names of the experts to be called as witnesses along with the substance of their testimony including findings, opinions and reasons therefor. Copies of all available reports must be attached.

MOTIONS FILED IN A TRACK III ACTION SHALL NOT EXCEED 15 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 10 PAGES WITHOUT LEAVE OF COURT.

TAB G

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

TRAVIS MURRELL
Defendant

:
: Civil No. 256994-V
:
: Pre-Trial Date: 06/29/2007
:
: Time: 1:30 PM
:

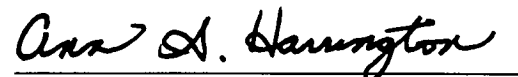
ORDER FOR MANDATORY SETTLEMENT/PRE-TRIAL HEARING - TRACK 3

In accordance with Maryland Rules of Procedure, Rule 2-504, and in order to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time and at the least possible cost to the Court and to litigants, it is, this 2nd day of August, 2006, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that unrepresented parties and trial counsel shall appear in court for a Mandatory Settlement/Pre-trial Hearing on the date set forth above. No further notice will be given of this date. Unrepresented parties and/or trial counsel shall meet at least two weeks prior to the hearing date to prepare a written joint pre-trial statement and endeavor to settle the case. If the parties cannot agree to the meeting place or date, it shall be two weeks before the hearing date at 9:00 a.m. in the lobby of the Court House. The joint settlement/pre-trial statement shall be signed by all parties or trial counsel and shall be filed with the Court five days before the Settlement/Pre-trial Hearing.

A COURTESY COPY OF THE JOINT SETTLEMENT/PRE-TRIAL STATEMENT SHALL BE PROVIDED TO THE DCM OFFICE, AND SHALL CONTAIN THE FOLLOWING:

1. Nature of the Case: Provide sufficient facts describing the nature of the occurrence at issue.
2. Claims and/or Defenses: Each party to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. Undisputed Issues and Facts: List all issues not in dispute and set forth stipulated facts.
4. Relief Sought: Specify type and nature of injury as well as amount of each item of damage claimed or description of equitable relief sought by each party.
5. Witnesses: File each party's list of witnesses with addresses. Expert witnesses shall be so designated, and list matters about which experts will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
6. Exhibits: File each party's list of trial exhibits, other than impeachment exhibits, indicating those requiring formal proof of authenticity.
7. Requested Jury Selection Questions: Identify those agreed upon and include any objections made by either side.
8. Pattern Jury Instructions: Identify those agreed upon and those not agreed upon.
9. Non-Pattern Jury Instructions: Supply complete text of each instruction, with authorities, on a separate page.


Ann S. Harrington,
County Administrative Judge

TAB H

TRACK 3
SCHEDULING HEARING

IF BOTH PARTIES FAIL TO APPEAR, THE CASE MAY BE DISMISSED.

ALL PARTIES PRESENT AND SERVED

REVIEW CURRENT CASE STATUS:

1. Try to resolve DISCOVERY DISPUTES
2. Is the case on the appropriate TRACK? (trial time)
3. Emphasize compliance with DATES on the Scheduling Order

ALTERNATIVE DISPUTE RESOLUTION: Is it appropriate at this time?

If yes, please refer ALL counsel to the Special Master/DCM Coordinator in Room 6 of the Law Library to arrange for ADR at this time.

Counsel may contact the Special Master/DCM Coordinator at (240) 777-9108, to arrange ADR at any time. The court may order ADR prior to the completion of discovery, or after discovery is completed. DO NOT SET A TIME LIMIT FOR ADR COMPLETION. This will be done in the DCM Division.

DEFENDANT NOT SERVED: Even if the Defendant has not been served, the Plaintiff must appear at the Scheduling Hearing. If the Plaintiff appears, and the Defendant has not been served the Court may put the Scheduling Order into effect, direct the Civil Clerk to reissue the summons, and have the Plaintiff attach a copy of the Scheduling Order to the new summons for service upon the Defendant. Should Plaintiff fail to appear at the Scheduling Hearing, and the Defendant has not been served, the Court may dismiss the case.

SOME, NOT ALL DEFENDANTS SERVED: Scheduling Orders issued with copy for unserved Defendants given to Plaintiff. Plaintiff must see unserved Defendants get copy of Scheduling Order.

PLAINTIFF APPEARS, DEFENDANT FTA, BUT IS SERVED: Check the return, if okay, file with the Civil Clerk. Give Scheduling Order to Plaintiff, and direct the Civil Clerk to mail the copy to the Defendant.

TRACK CHANGES: Have the parties take the file to the Assignment Office, and a new Scheduling Order for the new Track will be provided.

PLEASE assist the Courtroom Clerk by indicating the Code Number to be entered for each case.

For any questions, please call the Special Master/DCM Coordinator at (240) 777-9108.

CHECKLIST FOR CIVIL TRACK CASES

Civil Case No. 256994-V Track No. III

SIMON KROWITZ MEADOWS & BORTNICK PA

V.

TRAVIS MURRELL

Date of Settlement/Pretrial Hearing : 06/08/2007

Trial Date to be set within 30-90 days Trial: Court

Plaintiff's Attorney(s): GILBERT L SUSSMAN

Defendant's Attorney(s): Pro Se

Related or Consolidated Cases: _____

Age of Case: 32 days

Track Guideline: 356-416 days

(ADR) Alternative Dispute Resolution requested: YES _____ NO _____

Pretrial Statement with Voir Dire filed: _____

Interpreter needed? YES _____ NO _____

(If Yes, please refer the party(s) to the Civil Department, Room 107, Lobby Level, to obtain and file the 1-532 form)

SAMPLE

TAB I

The nos.:

FOUR (4) ENTRIES TO BE USED WHEN DEFENDANT(S) SERVED.

- 741 _____ SCHEDULING HEARING (_____, J.). ALL PARTIES PRESENT
SCHEDULING AND PRETRIAL ORDERS DISTRIBUTED AND IN EFFECT.
- 742 _____ SCHEDULING HEARING (_____, J.) ALL PARTIES PRESENT
SCHEDULING AND PRETRIAL ORDERS DISTRIBUTED AND IN EFFECT.. CASE
REFERRED TO A.D.R.
- 743 _____ SCHEDULING HEARING (_____, J.) PLAINTIFF(S)

FAILED TO APPEAR. SCHEDULING AND PRETRIAL
ORDERS DISTRIBUTED AND IN EFFECT. CLERK'S OFFICE DIRECTED TO MAIL
COPIES TO PLAINTIFF (S) NOT PRESENT.
- 744 _____ SCHEDULING HEARING (_____, J.) DEFENDANT(S)

FAILED TO APPEAR. SCHEDULING AND PRETRIAL
ORDERS DISTRIBUTED AND IN EFFECT. CLERK'S OFFICE DIRECTED TO MAIL
COPIES TO DEFENDANT (S) NOT PRESENT.

THREE (3) ENTRIES TO BE USED WHEN AT LEAST ONE DEFENDANT NOT SERVED.

- 745 _____ SCHEDULING HEARING (_____, J.) DEFENDANT(S)

NOT PRESENT. SCHEDULING AND PRETRIAL
ORDERS DISTRIBUTED AND IN EFFECT. CLERK'S OFFICE DIRECTED TO REISSUE
SERVICE ON UNSERVED DEFENDANT (S) AND ATTACH SCHEDULING AND PRETRIAL
ORDERS TO SUMMONS.
- 746 _____ SCHEDULING HEARING (_____, J.) DEFENDANT(S)

NOT PRESENT. SCHEDULING AND PRETRIAL
ORDERS DISTRIBUTED AND IN EFFECT. COURT NOTES SERVICE HAS BEEN
REISSUED AND DIRECTS PLAINTIFF TO SERVE SCHEDULING AND PRETRIAL ORDERS
ON DEFENDANT (S).
- 747 _____ SCHEDULING HEARING (_____, J.) DEFENDANT(S)

NOT PRESENT. CLERK'S OFFICE DIRECTED TO
REISSUE SERVICE AND NOTICE OF SCHEDULING ORDER. (NEW DATES ASSIGNED)

POSTPONEMENT OR NEW TRACK ASSIGNMENT ENTRIES

- 748 _____ SCHEDULING HEARING (_____, J.) COURT POSTPONES
SCHEDULING HEARING TO _____.
- 749 _____ SCHEDULING HEARING (_____, J.) COURT REASSIGNS CASE TO
TRACK _____. ALL PARTIES DIRECTED TO THE ASSIGNMENT OFFICE FOR NEW
SCHEDULING AND PRETRIAL ORDERS FOR THE REASSIGNED TRACK.
- 740 _____ SCHEDULING HEARING (_____, J.)

Additional Comments to above entries:

TAB J

Track 2 Status/Pretrial Conference
Thursday 10:30 Friday 10:30

Track 3 Settlement/Pretrial Conference
Friday at 1:30 p.m.

- Once case is called pre-trial statements are due if not already filed.
- Determine trial length. Track 3 is limited to three (3) days. Trials are to be set within 60-90 days. Master Kalil, or AO will provide the cut-off week. Track 2 is limited to one (1) day. Trials are to be set within 60 days. AO will provide the cut-off week. Exceptions may be made for extra trial time, or the number of days out the trial is to be set based upon judge's discretion.
- Set trial date
- Determine if there are outstanding motions that require a hearing date to be set (if hearing is requested). AO may set date in court.
- Determine if there are outstanding issues regarding discovery and any need for extension. If there is a need to extend discovery, set the trial date first, then set a discovery cut off date prior to the trial date. (Discovery is generally extended up to four weeks before the trial date.)
- Determine if the parties wish to be referred to ADR. Referrals are made in court to the Special Master/DCM Coordinator for **Track 3**. The Assignment Office will give the Special Master/DCM Coordinator the case information for **Track 2**.
- Ask if any of the parties or witnesses will require an interpreter. If an interpreter is required, direct the parties to the Civil Dept. (Room 107) to fill out the appropriate form (Form 1-332).
- **IF CASE IS DISMISSED FOR FAILURE TO APPEAR:** AO will provide a blank order for signature. Once signed the file will be given to AO.
- **IF THE DEFENDANT FAILS TO APPEAR:** If appropriate, AO will provide a blank order for default for failure to appear and will set a date for *ex parte* proof of damages. Defaults for failure to answer are sent to the Administrative Aides to assure that all the proper requirements have been met. Following review, the Administrative Aides will submit an Order of Default to the Judge for signature.

TAB K

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
PLAINTIFF

vs.

Case No.: 256994-V

TRAVIS MURRELL
DEFENDANT

ORDER FOR ALTERNATIVE DISPUTE RESOLUTION (ADR)
(845)

This matter is currently set for Settlement/Pretrial Hearing on June 8, 2007. It is this 17th day of July, 2006,

ORDERED, that this matter stand for an ADR Conference with the following Court-appointed facilitator:

Counsel are required to contact the Facilitator within **FIVE** days of this Order to arrange the ADR Schedule.

ADR is to be conducted and concluded by **June 8, 2007**. The parties and insurance adjusters must appear with counsel and have full settlement authority. **The Facilitator may not excuse any party or cancel the ADR Conference without further Order of Court.**

The parties shall compensate the Facilitator, on a pro rata basis, the fee of \$150.00 per hour.

Please read the attached instructions carefully. They are part of this Order.

Ann D. Harrington

Judge, Circuit Court for Montgomery
County, Maryland

1. Upon receipt of this Order, the parties or counsel shall contact each other immediately to conform calendars. Parties are required to contact the Facilitator to schedule an agreeable date and time. The Facilitator shall notify the DCM Division of the Court, 50 Maryland Avenue, Room 6, Law Library, Rockville, Maryland 20850, in writing of the date, time, and place of the ADR.

2. Personal attendance at the ADR Conference and good faith participation is mandatory for all attorneys and parties in this case. The party and representative must attend ADR with full authority to make final and binding decisions related to settlement. If the party is a company or non-individual entity, the attendance is mandatory for a representative with authority to settle this case. If insured, the attendance of the insurance adjuster and the insured party is mandatory, unless arrangements have been made in advance with the Facilitator for the adjuster to be available by telephone during the ADR conference.

3. Enclosed with this Order is a CONFIDENTIAL ADR STATEMENT to be completed by each party or their attorney. The Facilitator must receive each party's Confidential ADR Statement at least FIVE business days before the ADR.

4. If a settlement is reached prior to the ADR date, the Assignment Office and Facilitator must be notified immediately. If a settlement is reached as a result of the ADR Conference, parties shall file a joint line requesting a Stay Order pending final Settlement and notify the Assignment Office. Upon receipt of the joint line or request for stay, the Assignment Office will remove the Pretrial date and the case will be marked as "settled and off." A \$15.00 Clerk's fee will be required with the joint line pursuant to 7-202, Courts and Judicial Proceedings Article. The Facilitator shall notify DCM of the outcome of the ADR Conference by returning the ADR Data Sheet.

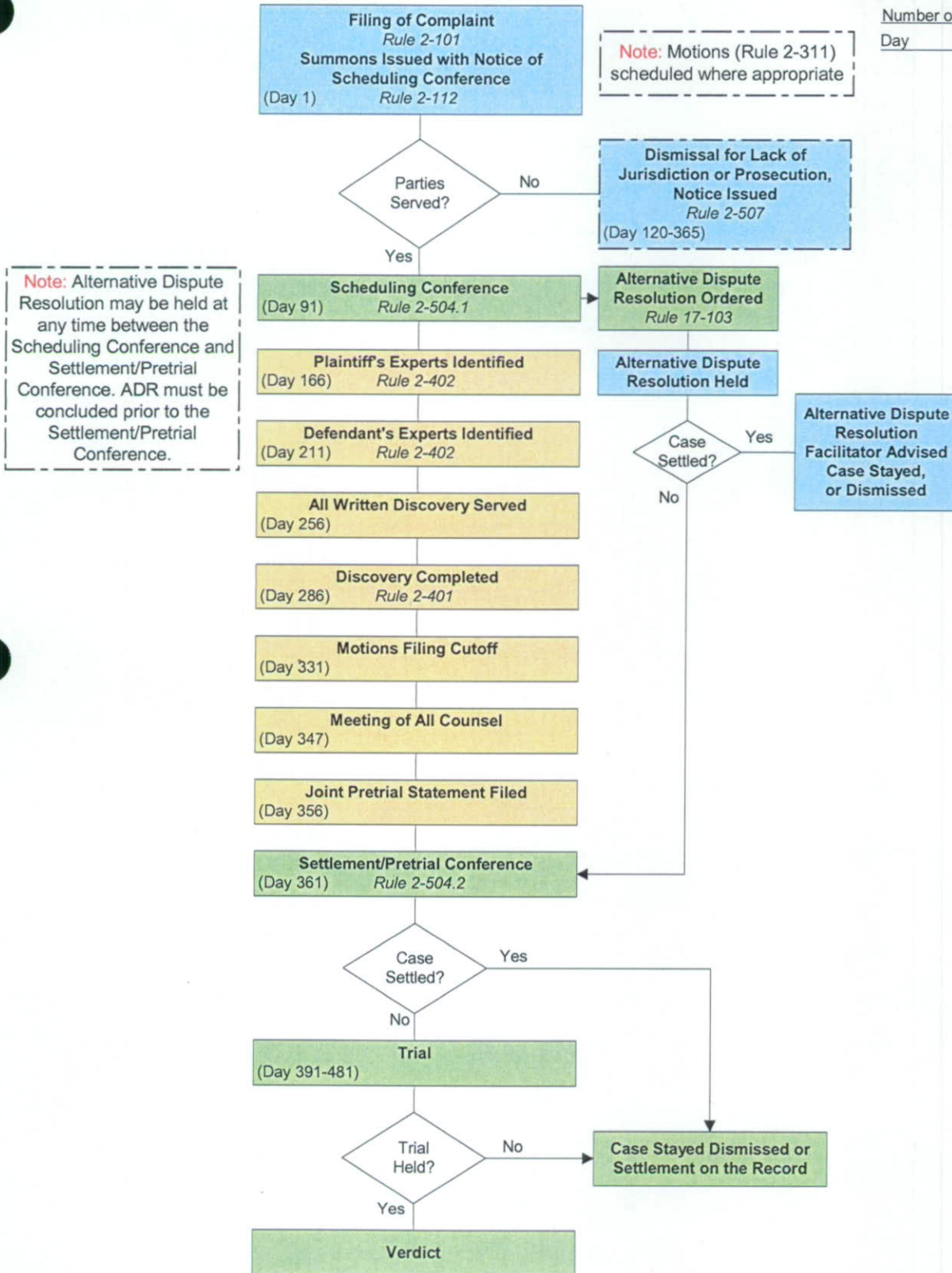
5. Parties and attorneys are put on notice that failure to attend and participate in good faith in the ADR Conference without further Court Order canceling or excusing such attendance could result in the issuance of a Show Cause Order and the imposition of sanctions. Sanctions could take the form of attorney's fees, ADR fees and costs to the other side as well as findings of contempt with resulting penalties. The Facilitator's fee will reflect the substantive time spent in ADR. It is the parties' responsibility to assure that the Facilitator is paid promptly to be in compliance with this Court's Order.

TRACK 4

Civil Track 4

Complex

Trial Estimate: 3 or More Days



Percentage of fallout cases		
Number of fallout cases		
Day		
1	0	0.00%
30	2	0.94%
31		
60	12	5.63%
61		
90	26	12.21%
91		
120	40	18.78%
121		
180	52	24.41%
181		
360	90	42.25%
361		
450	114	53.52%
451		
540	127	59.62%
541		
730	135	63.38%
Over		
731	135	63.38%

Total cases filed (213) between 07/01/04 and 06/30/05; terminations as of 05/19/06.

CIVIL - TRACK 4

Complex - 3 or More Day Trial Estimate

=====

DAY

1 FILING OF COMPLAINT

Computer to post Scheduling Hearing on the Assignment Office docket, record cutoff dates, and print Notice of Scheduling Hearing. Case will be assigned to a Track 4 Calendar to be managed by one judge until the rotation changes. Civil Office to mail copy back to plaintiff, attach copy to summons for each defendant along with the Defendant's Information Form, and a copy of the Plaintiff's Information Form if provided.

91 90 days SCHEDULING HEARING

2 cases set per 1/2 hour per judge (6).

1. Establish trial length, review issues, discovery matters.
2. Prepare discovery order:
 - Establish deadline dates.
 - Govern pre-trial process.
3. Establish Scheduling Order and provide copies to all parties.
4. Order for Pre-trial Hearing to be given to counsel for all parties.
5. Judge to ascertain whether ADR is feasible at this time.

166 75 days PLAINTIFF'S EXPERTS IDENTIFIED

211 45 days DEFENDANT'S EXPERTS IDENTIFIED

256 45 days ALL WRITTEN DISCOVERY SERVED BY

286	30 days	DISCOVERY COMPLETED
331	45 days	MOTIONS FILING CUTOFF
347	-9 days	MEETING OF ALL COUNSEL All counsel are to meet 9 days prior to the Settlement/Pre-trial Hearing to prepare the Pre-trial Statement and discuss settlement.
356	-5 days	JOINT PRE-TRIAL STATEMENT FILED BY A JOINT Pre-trial Statement is to be filed 5 days prior to the Settlement/Pre-trial Hearing.
361	30 days	SETTLEMENT/PRE-TRIAL HEARING
391-481	30-120 days	TRIAL DATE

TRACK 4 -- 3 DAYS OR MORE TRIAL DAYS

The length of the trial is anticipated to exceed 3 days. Individual judicial management is needed due to complex legal issues, factual difficulty, numerous parties, claims, and defenses.

Track 4 cases are assigned to Civil Calendars. The computer selects Calendars 1, 3, 4, 5 and 6 on a rotating basis. Calendar 2 has been dissolved. There are five (5) judges assigned to the calendars on a rotating basis. When a case is changed to a Track 4 at the Scheduling Hearing, the case is normally assigned to the Calendar of a Judge who is presiding. Cases that are changed to Track 4 from another type of hearing or an order of court will be assigned randomly from the five (5) calendars. The judges will change every 18 months while the cases will stay with the same calendar.

There are instances when the calendar may change--when a judge recuses or a case has to be specially assigned. When this occurs, the new judge assigned will receive a case information memorandum and a new Scheduling Order will be mailed to all parties to notify them of the change.

In compliance with **Rule 2-504.1**, a Scheduling Hearing is held within 90 days from the filing of the complaint. At the Scheduling Hearing the judge will:

1. Establish the anticipated length of trial.
2. Review issues and discovery matters.
3. Prepare a discovery order, establish cutoff dates, and pre-trial process.
4. Establish and disburse the Scheduling Order in accordance with **Rule 2-504** and establish and disburse the Order for Pre-trial Hearing in accordance with **Rule 2-504.2**.

A copy of the Scheduling Hearing Courtroom Worksheet is provided to each judge prior to the Scheduling Hearing. Judges are encouraged to use the codes and explanations provided in order to assist the Courtroom Clerks with the courtroom

work. A separate form will be provided for each case. It would be helpful to the Courtroom Clerks if the judge assigned to the Scheduling Hearing would select the correct code and indicate any additional comments that the docket entries should reflect. Since there are multiple parties, some of whom are not served, confusion will be eliminated if the judge clarifies this for the Courtroom Clerks. The form is filled out by the Courtroom Clerk and sent with the file to the Civil Office. The computer code is entered into the system and an automatic entry is made.

The judge and parties are to confirm the deadline dates on the Scheduling Order and make appropriate changes if needed on the record. The deadline dates are dates in which specific items should be complied with. If these dates are not changed at the time of the Scheduling Hearing then a motion and order to extend will need to be filed and forwarded to the assigned judge for consideration. **NOTE: THE ADMINISTRATIVE JUDGE HAS REQUESTED THAT THE ORIGINAL SETTLEMENT/PRE-TRIAL HEARING DATE BE ENFORCED. ADJUSTMENTS OF THE DEADLINE DATES MAY BE MADE IN COMPLIANCE WITH THAT DATE.**

At the Scheduling Hearing, if the Defendant(s) have not been served, the Scheduling Order will be put into effect with instructions for the Civil Clerk to reissue a new summons. It will be the responsibility of the counsel filing the complaint to serve the Scheduling Order on any unserved defendant(s) in the case. Counsel may file, prior to any cut-off dates, the appropriate motion to resolve any discrepancies in the Scheduling Order.

Scheduling Hearings should not be postponed unless there are exceptional circumstances. Failure to serve defendant(s) should not be a basis for postponing a Scheduling Hearing. A postponement does not automatically generate a new Scheduling Order.

The case may be stayed by the court until the plaintiff can locate the defendant and effect proper service. If no further action is taken by the plaintiff to remove the stay, and proceed with service, the case may be dismissed pursuant to **Rule 2-507(b)**.

Track changes requested at the Scheduling Hearing will be sent to the Assignment Office, with the court file, for a new Scheduling Order. The Assignment Clerk will generate new orders and hand them to the attorneys. Copies will be mailed to any parties not present.

Track changes requested prior to the Scheduling Hearing will be reviewed and ruled on by the assigned judge.

Cases exceeding five (5) days of trial time will be scheduled only on **COUNSEL'S CALENDARS** at the Scheduling Hearing. The trial date will not be confirmed or posted on the Court's calendar until the Settlement/Pre-trial Hearing is held.

A TRIAL DATE CONFIRMATION form should be filled out and sent to the Assignment Office. The attached form has been developed. (Tab "R")

The following procedure should be followed if a trial date cannot be set **AT THE SCHEDULING HEARING** within 120 days (the Administrative Judge will allow a 30-day grace period) from the Settlement/Pre-trial Hearing:

1. Direct counsel to the Administrative Aides in Room 307. The Aides will set the matter for a hearing in Courtroom No. 1 or determine when the Administrative Judge will be available to see counsel.
2. If all counsel are not present, the attached form (Tab "S") has been developed. The judge's secretary would complete the form and send the file together with the form to the Administrative Aides. After review of the form, the Aides will either set a hearing before the Administrative Judge or follow up with written approval.

It is not expected that the above will occur often, but it is necessary to adhere to a consistent policy regarding cases exceeding the 120 day guideline established for Track 4 cases.

The Notice of Scheduling Hearing Order is the first notice that requires the parties to appear before the court. This event is scheduled within 90 days from the filing of the complaint. All counsel and unrepresented parties are required to appear. Attorneys are to bring their calendars to the Scheduling Hearing. On the Track 4 Notice of Scheduling Hearing, the name of the judge and the courtroom number will appear.

If the original date for the Scheduling Hearing is not convenient to the parties, it may be rescheduled once by consent of all parties and the approval of the assigned judge. The case will be postponed to the judge's next succeeding hearing date. The assigned judge will send a memorandum to the Assignment Office with the rescheduled date. As a courtesy to the Assignment Office, it is recommended that these matters be set back in on a Friday.

Scheduling Hearings are scheduled every Friday between the hours of 9:00 AM and 11:30 AM. The judge assigned a Track 4 Hearing may also be assigned to the Track 3 Scheduling Hearing Docket.

The purpose of the Scheduling Hearing is to refer the case to ADR and to place a Scheduling and Pre-trial Order into effect. The court will also determine whether the case is on the appropriate track and that all parties have been served. Other matters regarding trial preparation, discovery, motions hearings, etc. will be discussed with the parties by the assigned judge.

ALL Track 4 cases will receive an order scheduling ADR after the Scheduling Hearing.

Ten (10) days prior to the Scheduling Hearing each party must file a Scheduling Hearing Statement. A copy of the statement must be provided to the assigned judge.

All motions filed in a Track 4 case shall bear the case number and the judge's name beneath the case number. A copy of the motion shall be delivered to the assigned judge's chambers.

Any motion that is decided by the assigned judge will be done by order of court or a hearing in open court. Recorded telephone hearings with a Courtroom Clerk are also available to the parties and assigned judge. These hearings may be set up through the Technical Services Division (240) 777-9150. The Courtroom Clerk must be notified so a docket entry can be made in the court file. The Assignment Office should be notified, accordingly.

Motions hearings that are scheduled by the assigned judge that will interfere with normal trial assignment shall be cleared with the Assignment Office prior to scheduling. A memorandum shall be sent to the Assignment Office indicating the docket entry number, date, time, and length of the motion(s) hearing.

TYPES OF CASES: Medical Malpractice, Legal Malpractice, Abuse cases, Fraud cases, Defamation of Character, etc.

All requests to reissue prior to the Scheduling Hearing are referred to the assigned judge for ruling.

Motions to extend or modify the Scheduling Order are sent to the assigned judge for their review and decision. Discovery and motions dates will be strictly enforced. Any motions requesting a modification of these cutoff dates must be filed prior to the cutoff date and be supported by a good cause shown. If any dates are modified, the file will be sent to the Assignment Office to update the computer.

As required by the Order for Settlement/Pre-trial Hearing the parties are to file a Joint Settlement/Pre-trial Statement five (5) days prior to the Settlement/Pre-trial Hearing in accordance with **Rule 2-504**. The statement shall be signed by all parties or trial counsel. A courtesy copy shall be provided to the assigned judge. The assigned judge will review the statement to assure that compliance has been met. A full explanation of the following is required.

1. NATURE OF CASE: A brief, non-argumentative statement suitable for reading to a jury.

2. CLAIMS AND DEFENSES: Each party is to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. UNDISPUTED ISSUES AND FACTS: List all issues not in dispute and set forth stipulated facts.
4. DISPUTED ISSUES: List each disputed issue and the principal contentions of all parties respecting each.
5. RELIEF SOUGHT: Specify the nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. CITATIONS: List any cases or statutes that need to be called to the court's attention.
7. PENDING MOTIONS: List title, movant, and filing date of all pending motions.
8. WITNESSES: List the name, address, and telephone number of each person who may be called to testify. As to experts, list the matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment, or rebuttal purposes.
9. EXHIBITS: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication. A complete list of exhibits identifying by exhibit number each documentary that may be offered at trial. Stickers to be attached to each exhibit are available from the Courtroom Clerk's Office, Room 323. Any objections to another party's exhibits should be stated.

10. DEPOSITION TESTIMONY: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. PLEADINGS AND DISCOVERY RESPONSES: Designation by page, paragraph of any pleading, or discovery response to be offered as substantive evidence, not impeachment.
12. DEMONSTRATIVE OR PHYSICAL EVIDENCE: Describe any items of non-testimonial, non-documentary evidence -- models, samples, objects, etc. -- to be utilized at trial.
13. VIDEOTAPES: Identify any videotapes to be shown to the jury and the authority for doing so.
14. REQUESTED VOIR DIRE QUESTIONS: Identify those agreed upon and include any objections made by either side.
15. PATTERN JURY INSTRUCTIONS: Identify those agreed upon and those not agreed upon. Designate the source of the pattern.
16. NON-PATTERN JURY INSTRUCTIONS: Supply a complete text of each instruction, with authorities, on a separate page.
17. VERDICT SHEET (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. SETTLEMENT: (Optional) Minimum demand; Maximum offer.
19. ESTIMATED LENGTH OF TRIAL: _____ days.

Settlement/Pre-trial Hearings are to be set on Fridays at 1:30 PM. The purpose of the Settlement/Pre-trial Hearing is to have the parties and counsel meet with the assigned judge to discuss settlement and prepare the case for trial if a settlement cannot be reached. At the conclusion of the hearing the assigned judge will put the settlement on the record. If a settlement is not reached, the judge will clear a trial date with the

Assignment Office and confirm the length of trial and trial date on the record. The trial date must be set within 120 days from the Settlement Pre-trial Hearing. A trial date may be considered at 150 days away, but only if absolutely necessary. **IF A JUDGE OR COUNSEL CANNOT SET A TRIAL DATE IN THAT TIME FRAME THE CASE MUST BE REFERRED TO THE ADMINISTRATIVE JUDGE.**

A Track 4 case that has not been concluded prior to the assigned judge hearing the civil assignment will be reassigned to the judge taking over that calendar. The Assignment Office will notify all parties in all pending cases of the reassignment. The notice will include the judge's name and effective date. All future motions or correspondence will be sent to the reassigned judge.

ALL MATTERS PERTAINING TO A TRACK 4 CASE WILL BE HANDLED DIRECTLY THROUGH THE TRACK 4 CIVIL JUDGE'S CHAMBERS. Examples: motions for postponement, scheduling of motion's hearings, motions to extend or modify, and consolidations.

TAB L

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

TRAVIS MURRELL
Defendant

:
:
:
: Civil No. 256994-V
:
:

NOTICE OF SCHEDULING HEARING AND ORDER OF COURT - TRACK IV

It is by the Circuit Court for Montgomery County, Maryland, hereby ORDERED as follows:

- 1) Effective this date, this case is assigned to the individual judge designated below. ALL FUTURE FILINGS IN THIS CASE SHALL BEAR THE CASE NUMBER AND THE JUDGE'S NAME BENEATH THE CASE NUMBER. On filing any motion or paper related thereto with the Clerk's Office, a courtesy copy shall be delivered to the assigned judge's chambers by the party filing the pleading.

**MOTIONS FILED IN A TRACK IV ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY
MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT**

- 2) Within sixty-five (65) days of the filing of the Complaint, Plaintiff must file proof of service on each of the Defendants of the following: copies of the Summons, the Complaint, and this Notice of Scheduling Hearing and Order. As to any Defendant for whom such proof of service has not been filed, the Court will consider dismissing the Complaint without prejudice at the time of the Scheduling Hearing. As to any Defendant not served at the time of the initial Scheduling Hearing, the Court may sever the case against that party.
- a) As to any Defendant served with the Summons and Complaint, within thirty days of service, the Defendant must file the Defendant's Civil Information Form with the initial pleading and a copy mailed to Plaintiff.
- 3) Within the time permitted under Maryland Rules, each Defendant must respond to the Complaint by filing an Answer or other responsive pleading. These pleadings must be filed in accordance with Rule 2-321. If no timely response has been filed, the Court may enter an Order of Default pursuant to Rule 2-613 at the time of the initial Scheduling Hearing.
- 4) Ten days before the initial Scheduling Hearing, each party must file at Court and provide the other party and the assigned judge a Scheduling Hearing Statement setting forth the following information:
- a) for the Plaintiff, a brief statement of the nature of the controversy and the claims being made by the Plaintiffs;
- b) for the Defendant, a concise statement of the Defendant's defenses;

- c) an itemization of damages or other relief sought for the Plaintiff and an itemization of matters in mitigation of damages or in opposition to the relief sought by the Defendant;
 - d) the maximum offer or minimum demand now acceptable to your client;
 - e) a concise statement of the number of witnesses and a designation of the number and identity of proposed expert witnesses;
 - f) an estimation of the amount of time it will take to complete each party's portion of the trial.
- 5) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an initial Scheduling Hearing to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings. This Order is the only notice that parties and counsel will receive concerning this hearing. Failure to appear may result in sanctions.
- 6) Upon advice that the date noted below is inconvenient for any counsel or unrepresented party, the assigned judge may postpone the Hearing once, with the consent of all parties, to his/her next succeeding hearing date. No other postponement of the Hearing will be granted except upon motion for good cause shown.

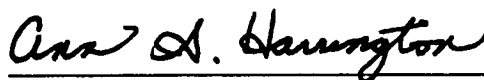
Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.

Case assigned to: Judge DURKE THOMPSON

Scheduling Hearing Date: October 20, 2006

Time: 9:00 AM Courtroom #: 2

DATE: 07/17/2006



Ann S. Harrington,
County Administrative Judge

TAB M

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

TRAVIS MURRELL
Defendant

Case No. 256994-V

SCHEDULING ORDER

This ORDER is your official notice of dates and required Court appearances. ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION AND FILED BEFORE THE COMPLIANCE DATE(S). The motion must provide good cause to justify the requested modification. Stipulations between counsel shall not be effective to change any deadlines absent court approval. Failure to appear or comply with all terms may result in dismissal, default judgment, refusal to let witnesses testify, refusal to admit exhibits, the assessment of costs and expenses, including attorney fees, or other sanctions.

DATE: 12/02/2004
(At filing of Complaint)

This case is assigned to Civil Track IV

Ann S. Harrington
Ann S. Harrington,
County Administrative Judge

	Track 2	Track 3	Track 4	Judge
SCHEDULING HEARING	11/03/2006		11/03/2006 9:00	ERIC M JOHNSON
PLT EXPERTS IDENTIFIED/FILED BY	01/02/2007		01/16/2007	S MICHAEL PINCUS
DEF EXPERTS IDENTIFIED/FILED BY	02/05/2007		02/28/2007	S MICHAEL PINCUS
ALL WRITTEN DISCOVERY SERVED BY	04/02/2007		04/16/2007	S MICHAEL PINCUS
DISCOVERY COMPLETED 11/20/2006	05/02/2007		05/14/2007	S MICHAEL PINCUS
MOTIONS/INC DISPOSITIVE FILED BY 12/14/2006	05/14/2007		06/28/2007	S MICHAEL PINCUS
MEETING OF ALL COUNSEL	06/15/2007		07/20/2007	S MICHAEL PINCUS
JOINT PRETRIAL STMT FILED BY	06/22/2007		07/27/2007	S MICHAEL PINCUS
STATUS/PRETRIAL HRG. 11/18/2007 10:30				
SETTLEMENT/PRETRIAL HRG.	06/29/2007 1:30	08/03/2007 1:30		S MICHAEL PINCUS

Identification of additional parties is governed by Rule 2-331, 2-332 and 2-341.

Compliance with identification of experts requires one to provide in writing, in the manner set forth in Rule 2-402(f)(1), the names of the experts to be called as witnesses along with the substance of their testimony including findings, opinions and reasons therefor. Copies of all reports must be attached.

MOTIONS FILED IN A TRACK IV ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT.

TAB N

SIMON KROWITZ MEADOWS & BORTNICK PA

Plaintiff

v.

TRAVIS MURRELL

Defendant

:
: Civil No. **256994-V**
:
: Pre-Trial Date: **08/03/2007**
:
: Judge S MICHAEL PINCUS
:
: Jury ___ Court ___

ORDER FOR PRE-TRIAL HEARING - TRACK IV

In accordance with Maryland Rules of Procedure, Rule 2-504, and in order to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time and at the least possible cost to the Court and to litigants, it is, this 2nd day of August, 2006, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that unrepresented parties and trial counsel shall appear in court for a Settlement/Pre-trial Hearing on the date set forth above. No further notice will be given of this date. Those in attendance must have settlement authority or phone access to those who do. Unrepresented parties and/or trial counsel shall meet at least two weeks prior to the hearing date to prepare a written joint pre-trial statement and endeavor to settle the case. If the parties cannot agree to the meeting place or date, it shall be two weeks before the hearing date at 9:00 a.m. in the lobby of the Court House. The joint settlement/pre-trial statement shall be signed by all parties or their attorneys and shall be filed with the court at least five days before the Settlement/Pre-trial Hearing and shall contain the following:

1. Nature of the Case: A brief, non-argumentative statement suitable for reading to a jury.
2. Claims and/or Defenses: Each party to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. Undisputed Issues and Facts: List all issues not in dispute and set forth stipulated facts.
4. Disputed Issues: List each disputed issue and the principal contentions of all parties respecting each.
5. Relief Sought: Specify nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. Citations: List any cases or statutes which need to be called to the Court's attention.
7. Pending Motions: List title, movant, and filing date of pending motions.
8. Witnesses: Name, address and telephone number of each person who may be called to testify. As to experts, list matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
9. Exhibits: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication. Complete list of exhibits identifying by exhibit number each

documentary that may be offered at trial. (Stickers to be attached to each exhibit are available in Clerk's office.) Any objections to another party's exhibits should be stated.

10. Deposition Testimony: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. Pleadings and Discovery Responses: Designation by page and paragraph of any pleading or discovery response to be offered as substantive evidence, not impeachment.
12. Demonstrative or Physical Evidence: Describe any items of non-testimonial, non-documentary evidence -- models, samples, objects, etc. -- to be utilized at trial.
13. Videotapes: Identify any videotapes to be shown to the jury and authority for doing so.
14. Requested Jury Selection Questions: Identify those agreed upon and include any objections made by either side.
15. Pattern Jury Instructions: Identify those agreed upon and those not agreed upon. Designate the source of the pattern.
16. Non-Pattern Jury Instructions: Supply complete text of each instruction, with authorities, on a separate page.
17. Verdict Sheet (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. Settlement: (Optional) Minimum demand; Maximum offer.
19. Estimated Length of Trial: _____ days.

Ann S. Harrington

Ann S. Harrington,
County Administrative Judge

TAB 0

SCHEDULING HEARING

Date 10/20/2006

Courtroom No. 06

Case No.: 256994V

Judge: SCRIVENER, LOUISE (643)

Case Name: SIMON KROWITZ MEADOWS & BORTNICK PA VS. MURRELL, TRAVIS

T nos.:

FOUR (4) ENTRIES TO BE USED WHEN DEFENDANT(S) SERVED.

- 741 _____ SCHEDULING HEARING (_____, J.). ALL PARTIES PRESENT
SCHEDULING AND PRETRIAL ORDERS DISTRIBUTED AND IN EFFECT.
- 742 _____ SCHEDULING HEARING (_____, J.) ALL PARTIES PRESENT
SCHEDULING AND PRETRIAL ORDERS DISTRIBUTED AND IN EFFECT. CASE
REFERRED TO A.D.R.
- 743 _____ SCHEDULING HEARING (_____, J.) PLAINTIFF(S)

FAILED TO APPEAR. SCHEDULING AND PRETRIAL
ORDERS DISTRIBUTED AND IN EFFECT. CLERK'S OFFICE DIRECTED TO MAIL
COPIES TO PLAINTIFF (S) NOT PRESENT.
- 744 _____ SCHEDULING HEARING (_____, J.) DEFENDANT(S)

FAILED TO APPEAR. SCHEDULING AND PRETRIAL
ORDERS DISTRIBUTED AND IN EFFECT. CLERK'S OFFICE DIRECTED TO MAIL
COPIES TO DEFENDANT (S) NOT PRESENT.

THREE (3) ENTRIES TO BE USED WHEN AT LEAST ONE DEFENDANT NOT SERVED.

- 745 _____ SCHEDULING HEARING (_____, J.) DEFENDANT(S)

NOT PRESENT. SCHEDULING AND PRETRIAL
ORDERS DISTRIBUTED AND IN EFFECT. CLERK'S OFFICE DIRECTED TO REISSUE
SERVICE ON UNSERVED DEFENDANT (S) AND ATTACH SCHEDULING AND PRETRIAL
ORDERS TO SUMMONS.
- 746 _____ SCHEDULING HEARING (_____, J.) DEFENDANT(S)

NOT PRESENT. SCHEDULING AND PRETRIAL
ORDERS DISTRIBUTED AND IN EFFECT. COURT NOTES SERVICE HAS BEEN
REISSUED AND DIRECTS PLAINTIFF TO SERVE SCHEDULING AND PRETRIAL ORDERS
ON DEFENDANT (S).
- 747 _____ SCHEDULING HEARING (_____, J.) DEFENDANT(S)

NOT PRESENT. CLERK'S OFFICE DIRECTED TO
REISSUE SERVICE AND NOTICE OF SCHEDULING ORDER. (NEW DATES ASSIGNED)

POSTPONEMENT OR NEW TRACK ASSIGNMENT ENTRIES

- 748 _____ SCHEDULING HEARING (_____, J.) COURT POSTPONES
SCHEDULING HEARING TO _____.
- 749 _____ SCHEDULING HEARING (_____, J.) COURT REASSIGNS CASE TO
TRACK _____. ALL PARTIES DIRECTED TO THE ASSIGNMENT OFFICE FOR NEW
SCHEDULING AND PRETRIAL ORDERS FOR THE REASSIGNED TRACK.
- 740 _____ SCHEDULING HEARING (_____, J.)

Additional Comments to above entries:

CHECKLIST FOR CIVIL TRACK CASES

Civil Case No. 256994-V Track No. III

SIMON KROWITZ MEADOWS & BORTNICK PA

V.

TRAVIS MURRELL

Date of Settlement/Pretrial Hearing : 06/08/2007

Trial Date to be set within 30-90 days Trial: Court

Plaintiff's Attorney(s): GILBERT L SUSSMAN

Defendant's Attorney(s): Pro Se

Related or Consolidated Cases: _____

Age of Case: 32 days

Track Guideline: 356-416 days

(ADR) Alternative Dispute Resolution requested: YES _____ NO _____

Pretrial Statement with Voir Dire filed: _____

Interpreter needed? YES _____ NO _____

(If Yes, please refer the party(s) to the Civil Department, Room 107, Lobby Level, to obtain and file the 1-532 form)

TAB P

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
PLAINTIFF

vs.

Case No.: 256994-V

TRAVIS MURRELL
DEFENDANT

ORDER FOR ALTERNATIVE DISPUTE RESOLUTION (ADR)
(845)

This matter is currently set for Settlement/Pretrial Hearing on July 13, 2007. It is this 17th day of July, 2006,

ORDERED, that this matter stand for an ADR Conference with the following Court-appointed facilitator:

Counsel are required to contact the Facilitator within **FIVE** days of this Order to arrange the ADR Schedule.

ADR is to be conducted and concluded by **July 13, 2007**. The parties and insurance adjusters must appear with counsel and have full settlement authority. **The Facilitator may not excuse any party or cancel the ADR Conference without further Order of Court.**

The parties shall compensate the Facilitator, on a pro rata basis, the fee of \$150.00 per hour.

Please read the attached instructions carefully. They are part of this Order.

Ann D. Harrington

Judge, Circuit Court for Montgomery
County, Maryland

1. Upon receipt of this Order, the parties or counsel shall contact each other immediately to conform calendars. Parties are required to contact the Facilitator to schedule an agreeable date and time. The Facilitator shall notify the DCM Division of the Court, 50 Maryland Avenue, Room 6, Law Library, Rockville, Maryland 20850, in writing of the date, time, and place of the ADR.

2. Personal attendance at the ADR Conference and good faith participation is mandatory for all attorneys and parties in this case. The party and representative must attend ADR with full authority to make final and binding decisions related to settlement. If the party is a company or non-individual entity, the attendance is mandatory for a representative with authority to settle this case. If insured, the attendance of the insurance adjuster and the insured party is mandatory, unless arrangements have been made in advance with the Facilitator for the adjuster to be available by telephone during the ADR conference.

3. Enclosed with this Order is a CONFIDENTIAL ADR STATEMENT to be completed by each party or their attorney. The Facilitator must receive each party's Confidential ADR Statement at least FIVE business days before the ADR.

4. If a settlement is reached prior to the ADR date, the Assignment Office and Facilitator must be notified immediately. If a settlement is reached as a result of the ADR Conference, parties shall file a joint line requesting a Stay Order pending final Settlement and notify the Assignment Office. Upon receipt of the joint line or request for stay, the Assignment Office will remove the Pretrial date and the case will be marked as "settled and off." A \$15.00 Clerk's fee will be required with the joint line pursuant to 7-202, Courts and Judicial Proceedings Article. The Facilitator shall notify DCM of the outcome of the ADR Conference by returning the ADR Data Sheet.

5. Parties and attorneys are put on notice that failure to attend and participate in good faith in the ADR Conference without further Court Order canceling or excusing such attendance could result in the issuance of a Show Cause Order and the imposition of sanctions. Sanctions could take the form of attorney's fees, ADR fees and costs to the other side as well as findings of contempt with resulting penalties. The Facilitator's fee will reflect the substantive time spent in ADR. It is the parties' responsibility to assure that the Facilitator is paid promptly to be in compliance with this Court's Order.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Date: 07/17/2006

SIMON KROWITZ MEADOWS & BORTNICK PA
PLAINTIFF

vs.

Case No.: 256994-V

TRAVIS MURRELL
DEFENDANT

Notice to Health Care Malpractice Litigants and Counsel
(1564)

Pursuant to Maryland Courts and Judicial Proceedings ("CJ") Code Ann., 3-2A-06C, the Court is required to order the parties to engage in alternative dispute resolution ("ADR") at the earliest possible date.

Within 30 days of the later of the filing of the defendant's answer or the defendant's certificate of a qualified expert, the parties may notify the Court at DCM Division of the Court, 50 Maryland Avenue, Room 6, Law Library, Rockville, Maryland 20850 of their selection of a mediator, neutral provider, or individual to conduct a settlement conference ("ADR Provider"). Any ADR Provider identified by the parties must abide by the "Maryland Standards of Practice for Mediators, Arbitrators, and other ADR Practitioners," and must conduct ADR proceedings as required in CJ 3-2A-06C.

If the parties fail to notify the Court of an agreement to engage an ADR Provider within 30 days of the date of this notice, the Court will then assign an ADR Provider. Within 15 days of notice of the identity of the assigned ADR Provider, a party may object in writing to the designation, stating the reason for the objection. If the court sustains the objection, it shall appoint a substitute ADR Provider.

The Administrative Office of the Courts maintains a list of ADR Providers who have applied and meet the qualifications to serve in Health Care Malpractice cases. If an ADR professional is designated by the court from that list, fees for that provider will be billed at the rate of \$250 per hour as approved by the Court. Unless otherwise agreed by the parties or Ordered by the Court, those costs shall be divided equally between the parties. The parties are free to agree to engage an ADR Provider not included on that list, who may be compensated at any rate negotiated by the ADR Provider and the parties.

Once the ADR Provider is selected or assigned, an initial conference shall be set by that ADR Provider with all parties as soon as practicable. At least 15 days prior to that conference, the parties shall submit to the assigned ADR Provider a brief written outline of the strengths and weaknesses of the party's case.

The ADR Provider shall schedule further proceedings and report to the Court as required by CJ 3-2A-06C.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
PLAINTIFF

vs.

Case No.: 256994-V

TRAVIS MURRELL
DEFENDANT

ORDER FOR HEALTH CARE MALPRACTICE ALTERNATIVE DISPUTE RESOLUTION (ADR)
(845)

This matter is currently set for Settlement/Pretrial Hearing on July 13, 2007. It is this 17th day of July, 2006,

ORDERED, that the parties in this case participate in Alternative Dispute Resolution ("ADR") procedures, as required by Md. Cts. & Jud. Proc. Code Ann. ("CJ") 3-2A-06C; and it is further

ORDERED that ADR sessions shall be scheduled with

___ the following ADR Provider, as agreed to by all parties:

X the following Court Appointed ADR Provider:

and it is further

ORDERED that each party, through his/her counsel (if any), is required to contact the ADR Provider within FIVE days of the date of this Order to schedule an initial conference as soon as practicable, and in any event, no later than THIRTY days from the date of this Order, unless further extended by the Administrative Judge; and it is further

ORDERED that each party shall submit a brief, confidential outline of the strengths and weaknesses of the party's case directly to the ADR Provider, without copies being provided to opposing counsel, at least fifteen days prior to the initial conference, in compliance with CJ 3-2A-06C(h);and it is further

ORDERED that the parties shall compensate the ADR Provider

 At the hourly rate agreed by the parties and their selected ADR Provider

 X At the rate of \$250.00 per hour for all time incurred by the ADR Provider assigned by the court

which costs shall be divided equally between the parties, unless otherwise agreed by the parties or ordered by this Court;and it is further

ORDERED that all ADR proceedings scheduled pursuant to this Order shall be concluded at least 30 days prior to the Pretrial/Settlement Hearing date set forth in this Court's Scheduling Order, and the ADR Provider shall report to the Court on the outcome at the conclusion of those ADR proceedings no later than 10 days prior to the Pre-trial/Settlement Hearing on the Health Claims Litigation ADR Report Form.

Ann D. Harrington

Judge, Circuit Court for Montgomery
County, Maryland

DCM Division of the Court
50 Maryland Avenue, Room 6, Law Library
Rockville, Maryland 20850

TAB Q

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

_____	*	
Plaintiff	*	
	*	
vs.	*	Civil No. _____
_____	*	
Defendant		

TRIAL DATE CONFIRMATION

This is to certify the **TRIAL DATE OF** _____ has been
scheduled on all counsel's calendars for a _____ **DAY/WEEK** trial.

Circuit Court for Montgomery County, MD

NOT TO BE PLACED IN COURT FILE

cc: Chambers File
Assignment Office

Form Location: N:\TRANSFER\DCM Forms\track 4 trial date confirmation form.doc

TAB R

MEMORANDUM

DATE: _____

TO: ADMINISTRATIVE AIDES FOR JUDGE HARRINGTON

FROM: _____

CASE NAME: _____

CASE NO.: _____

CURRENT TRIAL DATE: _____

LENGTH OF TRIAL: _____

PROPOSED TRIAL DATE: _____

This case cannot be set within the designated Track 4 guidelines for the following reason:

_____ The Courts calendar cannot accommodate the date agreed to by counsel
_____ Counsels calendar cannot accommodate a date within 120 days of the scheduled
Settlement/Pre-Trial Hearing
_____ Other: _____

ADMINISTRATIVE USE ONLY

TRIAL DATE OF _____ ☐ APPROVED ☐ NOT APPROVED **OR**

☐ STATUS HEARING SET WITH JUDGE HARRINGTON ON _____

COMMENTS: _____

INTER-OFFICE MEMORANDUM ONLY - NOT TO BE PLACED IN COURT FILE

Form Location: N:\TRANSFER\DCM Forms\track 4 admin aides memo.doc

TAB S

MEMORANDUM

To: Judges' Secretaries
Judges' Law Clerks

From: Ellen Steiger, Assignment Commissioner

Re: Reminders on Civil Assignment

Here are a few reminders for all of you who are about to enter the DCM Civil Assignment:

When moving deadline dates, use Monday through Friday dates. The computer will not recognize Saturday, Sunday, or Holidays.

All files that adjust any dates or have settled should be given to the Assignment Office (AO) first. The Assignment Office will forward the file to the Civil Department.

If a Judge must disqualify on a file, please send the file back to the Assignment Office as soon as possible. The Assignment Office will reassign the case to another calendar and notify the parties and the Judge.

Please give the Assignment Office any updates on your Judge Recusal (disqualified due to attorney in the case) List.

Scheduling hearings are not to be postponed unless there are exceptional circumstances. Failure to serve defendant(s) should not be a basis for postponing a scheduling hearing. A postponement does not automatically generate a new scheduling order. The scheduling order should be put into effect and counsel may file the appropriate motions, prior to the cut-off dates, to resolve any discrepancies in the scheduling order.

If you need to postpone the scheduling hearing, please watch the other scheduled cut-off dates. The scheduling hearing must occur prior to any other dates that are set. The original cut-off dates will not be adjusted to the new scheduling hearing date.

If your Judge is assigned to hear Track 3 Scheduling Hearings, please remind them that any scheduling hearings that are postponed should be on a Friday at 11:30 AM.

Only set preliminary (tentative) trial dates at the scheduling hearing for those cases that will exceed five (5) days of trial time (six (6) days or more). They are not to be written on your calendar but if you cannot resist doing that, you must be willing to overbook.

If you need to double book your calendar, please contact me prior to doing so in order that I may check to see how many judges are off.

If you need to change the Pre-Trial/Settlement date in a Track 4 case, remember that you should also change the due date of the Joint Pre-Trial Statement.

Any changes in Track 3 scheduling orders must be sent to the Harrington's Administrative Aides or Special Master Kalil (track changes). A proper motion must be filed to extend any dates. The Aides handle all the postponements and Master Kalil handles modifications, extensions, and track changes. Any motions filed to extend or modify any dates must be filed prior to the cut-off date that is being modified or extended.

Trial dates in Track 4 cases must be set within 120-150 days of the settlement pre-trial date. Refer to Procedures in DCM Manual if this cannot be accomplished.

Postponements of trial dates requested in Track 4 cases may be ruled on by the assigned Track 4 Judge as long as the new date can be set within that Judge's rotation. Postponements that will extend beyond a Judge's rotation shall be referred to the Administrative Judge.

All Track 4 cases will receive an Alternative Dispute Resolution (ADR) Order. These orders will be prepared and sent out by Master Susan Kalil.

cc: Pam Harris, Court Administrator
Master Susan Kalil
Joette Clagett, Administrative Aide
Carol Wagner, Administrative Aide

Business and Technology (B & T)

TAB T

MARYLAND BUSINESS AND TECHNOLOGY COURT TASK FORCE REPORT

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1316871

MARYLAND BUSINESS AND TECHNOLOGY COURT TASK FORCE REPORT

**Created by House Bill 15
Chapter 10 of the Maryland Acts of 2000**

Wilbur D. Preston, Jr.
Chairman

Hon. Steven I. Platt
Vice-Chairman

Robert D. Kalinoski
Susan M. Souder
Wesley D. Blakeslee
Ava Lias-Booker
Dr. Nariman Farvardin
John C. Weiss, III
Sen. Leonard Teitelbaum
Del. Anthony G. Brown
Del. John A. Hurson

Hon. Charles B. Day
James I. Keane
Michael Hickman
Alan R. Duncan
Christopher R. McCleary
Sen. Leo Green
Hon. John C. Eldridge
Hon. Marielsa A. Bernard

Steven E. Tiller
Reporter

Eric G. Orlinsky
Consultant

BUSINESS AND TECHNOLOGY PROGRAM **TASK FORCE REPORT**

I. EXECUTIVE SUMMARY

This is a report of the Maryland Business and Technology Court Task Force created by the General Assembly to consider the feasibility of establishing a specialized court function within Maryland's Circuit Courts to adjudicate business and technology disputes. This blue-ribbon task force included appointees from the Maryland Judiciary, Maryland's House and Senate, the Maryland State Bar Association and members of the Maryland business and academic communities.

After hearing from the business community, judges, legislators, lawyers and representatives of other "business courts," the Task Force recommends establishing a statewide program with specially trained judges and mediators to resolve substantial disputes affecting business entities, including the unique and specialized issues involving technology. The Task Force considered a separate court division within only certain counties, but concluded that creating local specialized courts was not needed or desired by many judges and lawyers, and would unfairly discriminate against business entities located in other areas of the State.

The Task Force reviewed different models of "business courts" implemented in other jurisdictions. Recognizing the effectiveness of Maryland's Differentiated Case Management ("DCM") system, the Task Force concluded that a "program" based, in part, on different models of business courts in other states would best take advantage of the current DCM system, while providing a unique and specialized forum for handling business and technology disputes.

Establishing a business and technology dispute management program like the one detailed in this report provides Maryland with a unique opportunity to substantially improve its perception among the business and technology communities as a preferred place to do business. In the competitive national market for business, establishment of such a program will serve to increase Maryland's reputation as a place where disputes involving substantial business interests are effectively and efficiently resolved, thus increasing Maryland's reputation as a favorable forum.¹

II. BACKGROUND

Over the past decade, the Internet has grown at a tremendous rate. At the start of the Clinton administration, there were less than a dozen sites on the worldwide web. This number currently totals in the hundreds of millions. In light of the significant advances brought about by not only the Internet, but also the bioscience, aerospace, and information technology industries, to name only a few, the business environment is

¹ Although providing great insight and perspective to the Task Force during its deliberations, Judge John Eldridge, Senior Judge of Maryland's Court of Appeals, respectfully abstained from participating in the recommendations and findings included in this report. Judge Eldridge believes that given his position as a Judge on the Court of Appeals, and the likely event that the Court of Appeals will be required to examine the adoption of rules to effect the recommendations contained herein, it is proper for him to abstain from inclusion in the report.

changing at light speed. Business models that couldn't have even been imagined a few years ago are now commonplace. These technological advancements have, however, created interesting dilemmas for all three branches of federal and state government.

In the legislative arena, elected officials must have a keen awareness of the significance of technological trends, as well as a healthy regard for the limits of their ability to control them. The executive branch is confronted with a similar dilemma. Regulations may prove necessary to protect the public and prevent the improper use of technology, while at the same time, efforts must be made to limit the breadth of such regulations so as not to chill creative thought.

The role of the judiciary is even more problematic since its role is by design more reactive than pro-active. Judges will be confronted with new and unique issues never before seen as a result of emerging technology and new business models. Judicial decisions will have to look forward to the potential impact of technology, as well as back to established legal precedent. The Judiciary can nevertheless take a leadership role in the development of new rules and enhancements in its functions to adapt to these new challenges. Just as our judicial system created the state wide District Court system and the nationally regarded DCM system, the pressure to change offers the Judiciary an opportunity to forge its own adaptive institutions.

Maryland is poised at the forefront of the technological revolution. Already, Maryland has one of the largest concentration of bioscience and aerospace companies in the country. Maryland is first in the nation of percentage of technological workers in the work force and can also claim top honors among states receiving research and development awards from the National Institutes of Health.

Today, information technology is Maryland's largest economic impact cluster. Maryland's information technology industry added over eighteen thousand new technology jobs between 1993 and 1998 bringing the total employment attributable to the information technology industry to well over 100,000. As of 1998, information technology firms employed 56 of every 1,000 private sector workers in the State, and it is believed that this number has significantly increased in the last two years. Maryland also has one of the highest percentage of on-line households in the country with forty-six percent of Maryland homes connected to the Internet.

Despite these impressive statistics, Maryland is still generally perceived by the business community as anti-business. Whether accurate or not, such perception is often viewed as reality. In an effort to change this perception, Maryland's General Assembly, as part of an overall plan to encourage technology companies to locate in the State (which includes, among other things, adoption of the Uniform Computer Information Transactions Act and the Uniform Electronic Transaction Act), passed House Bill 15 establishing this Task Force to consider the feasibility of the establishment of a specialized court function to effectively and efficiently administer business and technology disputes.

III. HOUSE BILL 15 (Chapter 10 of the Maryland Acts of 2000)

The General Assembly expressly stated its intent in passing House Bill 15 as follows:

It is the intent of the General Assembly that:

- (1) business and technology matters be treated efficiently and effectively in the judicial system; and
- (2) the Chief Judge of the Court of Appeals consider the feasibility of the establishment of a business and technology court division in Maryland, based on a study to be completed by the Business and Technology Division Task Force, in order to enable the circuit courts to handle business and technology matters in the most coordinated, efficient, and responsive manner, and to afford convenient access to lawyers and litigants involved in business and technology matters.

In establishing the Task Force, the General Assembly mandated that it solicit input from both the Maryland business and legal communities, commence a review of the experience of other states in creating so called business courts, and prepare a report on its findings and recommendations to the Court of Appeals, the Governor, The Lieutenant Governor, the President of the Senate, the Speaker of the House of Delegates, the House Judiciary Committee, the Senate Judicial Proceedings Committee, and the General Assembly. The General Assembly required this report to include a consideration of all operational aspects of establishing a business and technology division, including:

- (1) the benefits, costs, and potential negative impacts to the State and, in particular, the Judiciary that are associated with the establishment of a business and technology division in Maryland;
- (2) the costs associated with and essential to the efficient operation of a business and technology division;
- (3) the criteria for determining the type and monetary threshold of matters to be assigned and procedures for assignment of matters to a business and technology division;
- (4) a case management plan for the prompt and efficient scheduling and disposition of matters assigned to a business and technology division, which shall identify those matters that are appropriate for assignment to a specific judge who shall be responsible for the entire case;
- (5) the use of alternative dispute resolution;
- (6) the feasibility of establishing an electronic filing system for pleadings and papers;
- (7) the feasibility of establishing an expedited appeals process for matters assigned to a business and technology division; and
- (8) the feasibility of either assigning technology-related criminal matters to a business and technology division or of establishing some alternative means of providing particular courts or judges with appropriate, specific training to deal with technology related criminal matters.

IV. INPUT FROM THE BUSINESS AND LEGAL COMMUNITIES

The Task Force heard testimony from a number of business people, judges, lawyers, legislators and representatives of business courts established in other states including:

- (1) Hon. Robert Bell – Chief Judge, Maryland's Court of Appeals
- (2) Hon. Casper Taylor – Speaker of Maryland's House of Delegates
- (3) Hon. Ellen Heller – Administrative Judge, Baltimore City Circuit Court
- (4) Hon. Paul Weinstein – Administrative Judge, Montgomery County Circuit Court
- (5) Hon. James Smith – Judge, Baltimore County Circuit Court
- (6) Hon. William Chandler – Chancellor, Delaware Court of Chancery
- (7) Robert Haig, Esq. – Co-Chairman, New York Commercial Courts Task Force
- (8) William Clark, Esq. – Chairman, Business Law Section of the Pennsylvania Bar Association and the American Bar Association Committee on the establishment of Business Courts
- (9) James Thompson, Esq. – Past President, Maryland State Bar Association
- (10) Gregory Wells, Esq. – Chairman, Litigation Section of the Maryland State Bar Association
- (11) Roger Wolf, Esq. – Chairman, Alternative Dispute Resolution Section of the Maryland State Bar Association
- (12) Richard Lewin – Secretary, Maryland Department of Business and Economic Development
- (13) Philip Singerman – President, Maryland Technology Development Corporation
- (14) David Schwiesow, Esq. – Vice-President and Associate General Counsel, The Rouse Company
- (15) Henry Hopkins, Esq. – Chief Legal Counsel, T. Rowe Price and Spokesman, Maryland Securities Association
- (16) Leonard Moodispaw – President, Essex Corporation

Individual members of the Task Force also polled committees of the Maryland State Bar Association on which they are members, clients, constituents, and business people on their thoughts concerning the Task Force's charge. Also, as the Task Force was comprised of a diverse cross section of judges, legislators, lawyers, educators, and business people, each brought with them unique knowledge and experience to the Task Force's deliberations.

Although differences in opinion existed regarding the necessity of a separate business and technology division,² as well as the precise model and methodology for its

² The Task Force heard testimony concerning the need of a specialized business and technology division, and indeed, engaged in its own spirited debate on the issue. Due to the unavailability of funds to engage in a thorough study of cases currently pending in the courts, the Task Force was reduced to relying on the experience of its members in determining the necessity of a specialized court function to hear such disputes.

It has been the experience of other states that despite initial concerns regarding the necessity of specialized procedures for the administration of business disputes, once such procedures were implemented, those concerns proved unfounded. Moreover, with the increasing use of technology in our society, and Maryland's efforts to encourage technology businesses to locate in the State, the Task Force

implementation, the Task Force determined that there exists a general consensus that if rules making Maryland's courts more efficient and effective can be drafted, such rules should be adopted. This report offers recommendations on the establishment of such rules concerning the handling of substantive business and technology disputes.³

V. EXPERIENCE OF OTHER STATES

Ten Nine states currently have some form of an operational court function for the specialized handling of business disputes. With one exception (Wisconsin), jurisdictions instituting these functions have found that reaction has been enthusiastic. Businesses, as well as the lawyers handling business litigation, believe that disputes are handled in a more efficient, effective, and predictable manner. Moreover, the implementation of such procedures has generally resulted in the increased efficiency of the courts as a whole as complex business disputes requiring extensive court time are removed from the general docket allowing judges to concentrate their efforts on other matters.⁴

It is important to note, however, that none of the states that have created or are considering business courts have addressed specialization in technology. Just as Maryland was the first state to put the Uniform Computer Information Transactions Act into law, it is also the first state to consider a court with a special focus on technology matters that will use technological tools to administer these disputes more efficiently and effectively.

VI. FINDINGS

From formal testimony heard by the Task Force, informal polling by its members with their constituencies in the Bar, the Senate, The House, the State and Federal Judiciary, and the Maryland business community, and review of the experience of other states, the Task Force finds as follows:

- (1) Both the Maryland business and legal communities desire an efficient, economical, and hospitable forum for the administration of business and technology disputes in the circuit courts of our State. The key to this forum is to assign judges who can handle cases involving complex business and technology issues competently and in a timely manner regardless of the geographic sites of the court, the dispute, or even the parties.
- (2) The experience of other states that have created business courts initially began with a perception that such cases were not being handled satisfactorily by the general jurisdiction courts in those states. These deficiencies gave impetus to the creation of specialized business courts in those states which have taken various forms. These specialized courts have significantly improved the efficiency with

assumed that the number of disputes falling within the jurisdiction of the Business and Technology Case Management Program detailed in this report will only increase.

³ A more detailed description of the testimony heard by the Task Force may be found in Appendix A.

⁴ A more detailed description of the experience of other states in adopting special procedures for the handling of business disputes may be found in Appendix B.

which business cases have been disposed of in those states. None of these states, however, have created technology courts to specialize in the administration of disputes involving complex technology issues.

- (3) None of the states which have created specialized business courts had implemented a differentiated case management or other system similar to that already adopted in Maryland. Even the witnesses who testified before the Task Force from other states acknowledged the significance of Maryland's DCM system in which complex cases, including business and technology cases, may be given increased attention.
- (4) Although there is no crisis in the handling of business and technology cases in the Circuit Courts of this State, there are significant opportunities for improvement. The substance of that improvement is more important than the form it might take. Therefore, the benefits that have been documented from the experience of those states and localities which have instituted "Business Courts," "Business Divisions," or "Business Case Management Programs" were inventoried by the Task Force without reference to whether a division, as such, was required.
- (5) Potential benefits of special procedures for the handling of substantive business and technology disputes include:
 - (a) Specialized training and education for those judges with experience in business and technology issues, as well as the application of specialized case management techniques and technology for the handling of these cases.
 - (b) Greater efficiency resulting from the specialized training and education of judges, clerks, and staff, as well as the application of the most modern technology to the filing and processing of these cases.
 - (c) More timely, rational, legally correct, and perhaps most importantly, predictable rulings from judges who are better trained and educated in the relevant subject matter, and comfortable in handling these cases.
 - (d) A higher rate of settlement of business and technology cases because of the increased correctness and predictability of an identifiable group of judges whose competence is certified by the requisite degree of judicial education and training and whose written opinions are circulated on the Internet and other available media.
 - (e) Greater efficiencies in the disposition of other types of cases within the jurisdiction of the Circuit Courts because of the increased time available for them as a result of the removal of time consuming business and technology cases from the general court docket.

The Task Force further finds that the Judiciary of Maryland should forthrightly confront the fact that the trend toward voluntary professional specialization in western societies is likely to continue into the twenty-first century. This trend has already irreversibly manifested itself in the legal profession with the specialization of attorneys and expert

witnesses. The Judiciary, however, has, although not entirely,⁵ declined to join this trend. The Task Force believes that the inefficiencies and the reductions in the timeliness and quality of judicial decision-making that will inevitably result from advocates with specialized knowledge presenting cases to generalist trial judges with neither the knowledge nor the time to devote to these cases will grow to a level which is intolerable.

The Task Force finds that, for the same reason it was not practical to establish Family Divisions in all of the circuit courts of this State (*i.e.*, those circuit courts having less than seven (7) judges), it would not be practical to establish "Business and Technology Divisions" in those same courts. The Task Force, therefore, concludes that it would not be possible or practical to establish a "Business and Technology Division" in every circuit court in this State.

The Task Force believes, however, it would neither be wise nor fair to provide specialized management of business and technology cases in some jurisdictions, but not others. This is particularly true since it is the public policy of the Executive and Legislative branches to encourage high-tech businesses to locate in all parts of the State. The Task Force, therefore, determines that it is neither necessary nor even the most efficient organization of judicial resources to establish formal business and technology circuit court divisions in certain limited jurisdictions in order to, in the words of the statute, "enable the circuit courts to handle business and technology matters in the most coordinated, efficient, and responsive manner and to afford convenient access to lawyers and litigants involved in business and technology matters."

Instead, the Task Force concludes that all of the benefits of the specialization of judges to hear business and technology cases previously set forth, as well as a fair and equitable allocation of judicial resources between different circuits, can be accomplished by the establishment of a statewide "Business and Technology Case Management Program" in circuit courts of this State by Maryland Rules of Procedure as follows:

A. Organization

The Chief Judge of the Court of Appeals of Maryland, after consultation with the various Circuit Administrative Judges, shall initially designate not less than three (3) judges to the statewide Business and Technology Case Management Program (the "Program"). The Chief Judge, consistent with the caseload of the Program, may thereafter adjust the number of judges assigned to the Program as needed. Pursuant to Maryland Rule 16-101a.1, the Chief Judge may assign any judge designated to the Program to sit temporarily in any other circuit court within the judicial system for the purpose of carrying out the mandate of the Program.

⁵ The judiciary has by Rule established "Family Divisions" in certain circuit courts in Maryland, and by direction of the Chief Judge, ordered that no judge may hear a capital case without first completing a specialized Judicial Institute education course.

B. Assignment of Cases to the Business and Technology Case Management Program

1. Cases subject to Business and Technology Case Management Program

The Task Force believes that any system for determining whether a case should be assigned to the Program must be flexible. It is recommended that the selection system be based upon a format that establishes that some cases be presumptively included, while others are presumptively excluded. As the legal and business worlds develop in the face of ever emerging technology, however, it is contemplated, and indeed expected, that such presumptions will be modified by judicial decision and/or rule.

If both parties agree to opt out of the Program, this should be permitted. In resolving presumptions, consideration should be given to the desire of both parties.

Assignment to the Program should be reserved for cases where there is a substantial amount in controversy. This will typically include significant monetary damages, but may also include consideration of potential future economic loss in cases where non-monetary relief is the primary relief being sought (*i.e.*, injunctive or declaratory relief).

The Program should be limited primarily to cases involving business entities, including individual sole proprietorships or individual partners where the claim is against the partnership. Individuals, however, should be permitted to take advantage of the benefits of the Program if involved in a dispute appropriate for Program designation.

Cases should present commercial and/or technology issues of such a complex nature that specialized treatment is likely to improve the expectation of a fair and reasonable resolution of the controversy because of the need for specialized knowledge or expertise in the subject matter or familiarity with some specific law or legal principles which may be applicable.

Thus, the Task Force recommends that notwithstanding anything to the contrary in any Differentiated Case Management program, cases shall be assigned to the Business and Technology Case Management Program based on the following criteria:

- a. Only complaints seeking compensatory damages totaling \$50,000.00 or more, or complaints seeking primarily injunctive or other equitable relief, will be considered eligible for assignment to the Program if the other criteria identified below are met.
- b. Actions in which the principal claims involve the following should presumptively be assigned to the Program.
 - (i) Disputes arising out of technology development, maintenance and consulting agreements including software,

network and Internet web site development and maintenance agreements.

- (ii) Disputes arising out of the hosting of Internet web sites for business entities.
- (iii) Disputes arising out of technology licensing agreements, including software and biotechnology licensing agreements or any agreement involving the licensing of any intellectual property rights, including patent rights.
- (iv) Actions relating to the internal affairs of businesses (*i.e.*, corporations, general partnerships, limited liability partnerships, sole proprietorships, professional associations, real estate investment trusts, and joint ventures), including the rights or obligations between or among shareholders, partners and members or the liability or indemnity of officers, directors, managers, trustees, or partners.
- (v) Actions claiming breach of contract, fraud, misrepresentation or statutory violations arising out of business dealings.
- (vi) Shareholder derivative and commercial class actions.
- (vii) Actions arising out of commercial bank transactions.
- (viii) Declaratory judgement and indemnification claims brought by or against insurers where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be assigned to the Program.
- (ix) Actions relating to trade secret, non-compete, non-solicitation, and confidentiality agreements.
- (x) Business tort actions, including claims for unfair competition or violations of Maryland's Trade Secret or Unfair and Deceptive Trade Practices Acts.
- (xi) Commercial real property disputes other than landlord/tenant disputes.
- (xii) Disputes involving Maryland's Uniform Computer Information Transactions Act, including alleged breaches of the warranty provisions provided in such Act.
- (xiii) Professional malpractice claims in connection with the rendering of professional services to a business entity.
- (xiv) Claims arising out of violations of Maryland's Anti-Trust Act.

- (xv) Claims arising out of violations of Maryland's Securities Act.
- c. Actions in which the principal claims involve the following shall be presumptively not assigned to the Business and Technology Case Management Program.
 - (i) Personal injury, survival or wrongful death matters.
 - (ii) Medical malpractice matters.
 - (iii) Landlord/Tenant matters.
 - (iv) Professional fee disputes.
 - (v) Professional malpractice claims, other than those brought in connection with the rendering of professional services to a business enterprise.
 - (vi) Employee/employer disputes, other than those relating to matters otherwise assigned to the Program.
 - (vii) Administrative agency, tax, zoning and other appeals.
 - (viii) Criminal matters, including computer-related crimes.⁶
 - (ix) Proceedings to enforce judgments of any type.

d. Commencement of an Action

All subject actions shall be commenced as provided by applicable statutes and the Maryland Rules. In all cases a copy of a Civil Non-Family Cover Sheet, including any Business and Technology Case Management Program addendum, shall be served with original process on the parties. It is recommended that the currently used Civil Non-Family Cover Sheet be modified to specifically address cases falling within the jurisdiction of the Program. These modifications should include designations to be filed by the parties indicating which presumptively included category or categories the party believes its case falls within so as to assist the judge assigned to the matter in determining applicability of the Program to the dispute.

⁶ The Task Force does not believe that technology and computer related criminal matters require assignment to the Program. Although involving new means of committing crime, such matters still involve fundamental principles of substantive and procedural criminal law that can be adequately resolved by members of the Judiciary experienced in the handling of such matters.

e. Case Management Procedures

1. Authority Over Business and Technology Case Management Program Status.

Where there is a dispute as to whether the case is properly assigned to the Program, such dispute will be resolved by the Administrative Judge of the County in which the case is filed or the Administrative Judge's designee as soon as practicable after the case becomes at issue (*i.e.*, the filing of an answer or other responsive pleading by the defendant).

2. Tracks within Program

A Business and Technology Case Management Program Expedited Track shall exist for matters in which the parties consent and minimal discovery is required. Such an expedited track shall provide for discovery to be completed and a trial date scheduled within ninety days of the defendant's filing of an answer. Other matters should presumptively be designated Business and Technology Case Management Program Standard Track. This standard track should provide for discovery to be completed and a trial date scheduled within nine months of the defendant's filing of an answer. Actions in which preliminary injunctive relief is sought may be appropriate for either track depending upon the circumstances.

3. Motion Practice and Discovery Motions

The Program Judge to whom the action is assigned shall hear all proceedings until the matter is concluded, except under exceptional circumstances where the Judge may make arrangements for certain discovery and other pretrial motions to be heard by one of the other Program Judges.

4. Rules to Show Cause and Emergency Motions and Petitions.

Unless there is a dispute as to Program applicability, show cause orders and emergency motions and petitions shall be referred to a Program Judge for immediate disposition. If there is any dispute regarding Program applicability, that dispute shall be referred to the Administrative Judge, or the designee of the Administrative Judge, of the County in which the case is filed for immediate disposition prior to hearing the emergency motion(s).

5. Publication of Written Opinions

Opinions of the trial court judges designated as Program Judges shall be published on the Internet in the same manner as the appellate courts of this State through the Maryland State Bar Association and the Daily Record. To the extent practical,

Program Judges should discuss these opinions with each other in an attempt to insure consistent decisions.

f. Additional Recommendations

1. The Task Force does not deem it appropriate to attempt to further specify the rules, regulations, policies, and procedures under which the recommended enactment of the statewide Program would operate. The operational rules are best left to Maryland's Standing Committee on Rules of Practice and Procedure to recommend and the Court of Appeals of Maryland to adopt. The Task Force notes that a number of states (*e.g.*, Pennsylvania, North Carolina and Wisconsin) have published business case management plans and procedures that may provide a useful framework for the development of rules, regulations, policies, and procedures for the Program.
2. The Task Force recommends the creation of a committee, either of the Conference of Circuit Judges or the Judicial Conference, to further develop and continually oversee the operational details of the Program, after consultation with and ongoing input from the appropriate Sections (*i.e.*, Business Law, Litigation, and Alternative Dispute Resolution) of the Maryland State Bar Association, as well as the business community.
3. The Task Force recommends that the Judicial Institute of Maryland, the entity charged with educating judges in Maryland, in consultation with the Maryland State Bar Association, MICPEL, and the Universities of Maryland and Baltimore Law Schools, develop a program for the training and continuing education of judges, clerks, and staff who will have duties associated with the Program.
4. The Task Force recommends that the Business and Technology Case Management Program be prominently displayed on the Judiciary's website. The utilization of the Judiciary's website is recommended because it would demonstrate the Maryland Judiciary's ability to be cutting edge. In addition, it is currently the research vehicle of choice, particularly for technology companies, and is the easiest option to update. The Task Force further recommends that the Program be similarly displayed on the Maryland Department of Business and Economic Development web site and linked to other State and legal web sites.

VII. EXPEDITED APPEALS

House Bill 15 further requires the Task Force to examine, and report on, a number of other issues relating to the establishment of a Business and Technology Program, including the establishment of rules regarding expedited appeals, the use of alternative

dispute resolution techniques, and the electronic filing of pleadings and other uses of information technology. As for the establishment of rules regarding expedited appeals, the Task Force believes that existing rules, statutes and case law provide all of the authority necessary for expediting appeals to Maryland's Appellate Courts in important cases presenting a real need for expedition. Thus, special rules to expedite such appeals for cases falling within the jurisdiction of the Program are unnecessary.

The principal rule providing for an expedited appeal is Rule 8-207(a). Although Rule 8-207(a) is limited to the Court of Special Appeals and to situations where all parties agree upon expedition, there are other rules which authorize both appellate courts to expedite cases even without the consent of the parties.

For example, Rule 8-206(b), dealing with prehearing conferences in the Court of Special Appeals, provides the parties and the court a mechanism for agreeing upon "the time or times for filing the record and briefs, and other pertinent matters." Rule 8-412, setting forth the times for transmitting the record, which is applicable to both appellate courts, provides in subsection (d) that, "[o]n motion or on its own initiative, the appellate court having jurisdiction of the appeal may shorten . . . the time for transmittal of the record." Expedition can also be effected under Rule 8-113(b), which states that the parties may agree on a "Statement of the Case in Lieu of Entire Record." If the parties so agree, there is no need to have the trial court record prepared and transmitted to the appellate court, as the agreed statement becomes the record on appeal.

Furthermore, Rule 8-521(b) authorizes either appellate court, either on motion or on its own initiative, to advance a case. There have been numerous instances, involving important cases which had to be decided promptly where the Court of Appeals has dispensed with the requirements for record extracts and briefs, has heard the case soon after the trial court's decision on the papers filed in the trial court, and has decided the case shortly after oral argument. In addition to the recent Public Service Commission electric deregulation case, some examples include *Save Our Streets v. Mitchell*, 357 Md. 237, 743 A.2d 748 (2000); *Stevenson v. Steele*, 352 Md. 60, 720 A.2d 1176 (1998); *Blount v. Boston*, 351 Md. 360, 718 A.2d 1111 (1998); *Hertelendy v. Board of Educ.*, 344 Md. 676, 690 A.2d 503 (1997); *State Election Bd. V. Election Bd. Of Balt.*, 342 Md. 586, 679 A.2d 96 (1996); *Roberts v. Lakin*, 340 Md. 147, 665 A.2d 1024 (1995); *Maryland Aggregates v. State*, 337 Md. 658, 655 A.2d 886, *cert. denied*, 514 U.S. 1111, 115 S.Ct. 1965, 131 L.Ed.2d 856 (1995).

In addition to the provisions of the Maryland Rules discussed above, some statutory provisions can be invoked to assist in expediting appeals. For example, Maryland Code § 12-201 of the Courts and Judicial Proceedings Article authorizes the Court of Appeals to issue a writ of certiorari prior to the decision by the Court of Special Appeals. The Court of Appeals may do this on petition of any party or on its own initiative. When a case involves an important issue which is likely to be resolved by the Court of Appeals eventually, the matter can be expedited by the issuance of a writ of certiorari soon after a notice of appeal is filed, thereby by-passing the Court of Special Appeals. The above-cited cases are also examples of this.

For all of these reasons, the Task Force does not believe it is necessary to establish new rules to expedite appeals of cases handled by a Business and Technology Case Management Program.

VIII. ADR (Alternative Dispute Resolution)

It has been proven in other states that the types of cases that the Task Force believes should be referred to the Business and Technology Case Management Program are particularly appropriate for resolution through the use of ADR techniques. In many cases the parties have worked together and may want to continue their association. Efforts should be made to build on these relationships rather than dissolving them as so often happens in the adversarial nature of litigation. Even if placed on an expedited track, litigation is going to be costly both in dollars and in executive and employee time – time that could more productively be directed toward running and growing the respective businesses. Additionally, there is the cost of having this unresolved issue weighing on the businesses and impairing their ability to move forward.

The currently existing DCM system generally encourages the use of ADR. While mediation is the process most frequently used, other processes such as non-binding arbitration and neutral case evaluation (NCE) should be considered in appropriate cases.⁷ Many of the circuit courts already have in place DCM and ADR coordinators with a system in place to refer cases to ADR before a list of approved mediators (e.g. Anne Arundel County, Baltimore County, Baltimore City, Montgomery County, and Prince George's County), and a Business and Technology Case Management Program can simply build on the experience of these jurisdictions in implementing specialized ADR procedures.

It is recommended that all cases assigned to the Program be referred to ADR. Although Title XVII (§ 17-103) provides that either party can opt out of an ordered fee for service ADR process, experience has proven that this is rarely done, especially where business entities are involved. The earlier in the process ADR is used the greater the chance of cost savings. However, not all cases are ripe for ADR without some discovery. The practice of most Maryland Circuit Courts using ADR is to refer the cases to mediation as soon as the case is at issue with a deadline for when the ADR must be completed. The parties, their lawyers, and the mediator, arbitrator, or neutral case evaluator then determine the most appropriate time to use ADR.

Since many of the cases being considered for referral to the Program are currently being handled by persons already trained as mediators, it will not be necessary to require additional training with regard to mediation techniques. The Task Force believes, however, that specialized training for the mediators designated as qualified to handle cases in the Program must be provided. This would include specialized training in both business and technology issues.

The ADR referral orders in most circuit courts currently provide that mediators will be paid \$150.00 per hour for civil cases to be divided equally between plaintiffs and defendants. Some courts have specially assigned individual cases to specific persons and provided for higher reimbursement by the parties, with their consent. The fee structure may need to be reviewed as special expertise is being required. The fees should fairly compensate the ADR provider yet not be too expensive as to deter parties from engaging in the process.

⁷ Title XVII of the Maryland Rules, effective January 1, 1999, discusses the processes (§ 17-102) and the training required for a person to be eligible to be on a court approved referral list (§§ 17-104, 105). Amendments to these rules are currently before the Court of Appeals.

The expanded use of ADR in the Circuit Courts of Maryland has been a great benefit to reducing costs as well as case backlogs. The Task Force strongly recommends that ADR be an integral part of any Business and Technology Case Management Program.

IX. *ELECTRONIC FILING*

The Task Force was also charged with evaluating the feasibility of establishing a system for the electronic filing, or "e-filing," of pleadings within a Business and Technology Case Management Program. In its basic form, e-filing simply allows law firms and courts to exchange documents electronically. In its more integrated form, it allows law firms to submit documents, view docket entries and submit filing fees directly into the court's workflow processes and systems. In turn, the court can conduct internal business with electronic routing of documents and activities. Courts can also submit electronic orders, opinions and administrative messages and actions to law firms in electronic formats.

Generally, law firms that represent businesses have automated practice management systems and create one hundred percent of their internally-generated documents using word processing and document management systems. It is now commonplace for business-oriented law firms to use e-mail extensively to exchange electronic documents with clients. Indeed, clients are demanding such exchange.

The courts in Maryland have a distinct advantage as they are, for the most part, already fully automated. The Judicial Information Systems (JIS) and case management systems in the Circuit Courts of Montgomery and Prince George's County provide one hundred percent coverage of all pending cases. The administrative office of the courts, JIS and county governments also provide microcomputers and word processing capabilities to every Circuit Court Judge's chambers throughout the state. A significant number of Circuit Court Judges have internal e-mail capabilities through courthouse networks, and a growing number have modem and even network based high-speed Internet connections.

A. Non-Use of E-Mail for e-filing

Except in extremely limited circumstances, neither the courts nor the law firms in Maryland have used electronic mail for filing or service. This reluctance is well grounded. In spite of emerging standards for e-mail, there can be significant incompatibility between mail systems and substantial problems in exchanging documents created in incompatible word processing formats. Word and WordPerfect documents can have significant incompatibilities, particularly with paragraph numbering, tables of citations, and precise recreation of formats, such as headers, footers and footnotes. Indeed, this Task Force has experienced some problems in the exchange of meeting agendas and minutes between members.

Once filed it is frequently impossible to maintain public record level control over e-mail storage and computer directories. Finally, even if a document is "electronically delivered" by e-mail, the clerk's office has to post the receipt, create a docket entry and oftentimes print the document to get it to chambers, file it in permanent storage at the courthouse and even microfilm or image scan the document for back-up storage systems.

B. E-Filing's Secure and Compatible Formats

E-filing allows law firms to transmit electronic documents to courts and to each other in compatible formats, complete with an automatically generated docket entry and a permanent filing retrieval system and audit trail.

Instead of using e-mail, e-filing uses the Internet FTP or File Transfer Protocol to transmit the document and associated filing data to a neutral but highly secure web site. The court connects with this web site through a single, secure channel rather than allow thousands of lawyers to have direct access to the court's systems. The web site and underlying databases maintain a highly traceable audit and retrieval trail while the document is delivered to the court and to counsel designated for service in a format that eliminates incompatibility between word processing formats

C. E-Filing in Maryland (1995 – 2001)

In 1995 Prince George's County began one of the earliest successful e-filing pilot projects. The project was a demonstration initiated by the National Center for State Courts.

For the last three to four years the Circuit Court for Baltimore City has laid the foundation for an e-filing system for over 10,000 asbestos cases. Baltimore began its initial efforts to contract for a first generation e-file system called CLAD (Complex Litigation Automated Docket) offered by Lexis-Nexis. CLAD has been continuously in use in the Superior Court of Delaware and other jurisdictions since 1991 for asbestos, environmental, insurance, and tobacco cases.

D. E-File Costs

One of the prevailing e-filing systems, JusticeLink, involves no direct financial expenditure for software by the court. The business model for installation, data conversion, user training, maintenance and user support is built on transmission fees by the sender and access fees by those other than the receivers of the documents or the court. JusticeLink charges \$0.10 per page with a \$2.00 minimum for filing and a \$2.00 minimum for service. There is no charge for indefinite storage in a highly secure and redundant processing facility. Another prevailing system, WestFile, presently contemplates either a \$10 - \$15 delivery fee or a prepaid subscription plan, again, with no charge to the court. These delivery prices are either competitive with current manual costs for delivery or well below them. Although the law firms and parties financially support the system, they end up paying less than the same task in a manual system.

Courts and law firms will need to devote time and resources to the installation of certain software and training. Vendors will need access and some labor effort to examine equipment, set up the system, address any data conversion issues and coordinate training efforts. These costs are best absorbed by the larger law firms that traditionally represent businesses in their legal disputes. This proved true in New York where an e-filing system was initiated in its business court. Firms appearing before the business court were, in effect, made to be guinea pigs for establishment of an e-filing system that will soon be rolled out to the general docket.

There can be indirect costs for a court to upgrade its computers, printers and Internet connections. If a judge hears a case within the Program in a jurisdiction with insufficient

computing equipment or telecommunications facilities, there could be delays and costs needed to implement the needed upgrades or use a temporary facility with proper equipment.

E. Feasibility of e-filing for a Business and Technology Court Function

It is both feasible and cost effective for the Business and Technology Case Management Program to use e-filing. Lawyers and the court can exchange documents and conduct their work more productively, efficiently and effectively. There is considerable value in allowing a court devoted to the resolution of disputes between business and technology companies to use the dominant media by which the litigants and their lawyers create documents, exchange them and communicate with each other.

Based on experiences in other jurisdictions and the groundwork already in place from the efforts with the Baltimore asbestos cases, the Task Force has been told that e-filing can be made operational in less than two months. With relatively minimal costs, the Business and Technology Case Management Program can start its existence with its own statewide "virtual" docket and document exchange repository.⁸

X. CONCLUSION

The Business and Technology Division Task Force was composed of a diverse cross section of judges, legislators, educators, lawyers, and business people. We have joined together in making these recommendations to graft a statewide business and technology

⁸ In addition to establishing electronic dockets, calendars and e-filing, the Business and Technology Case Management Program should consider using other technologies to conduct its business. By taking advantage of different technologies for publishing case data, exchanging information and electronic conferencing, the Program can improve its own productivity. These tools, which should be affordable and comply with open standards, include:

1. On-line repositories of evidentiary materials (digital images of documents, electronic transcripts, computer based and computer generated documents and other evidence) for use by parties and hearing officers.
2. Multimedia briefs – Business litigators are increasingly using presentation and desktop publishing software to compose briefs on CD-ROM disks and e-filing sites. These briefs not only include digital exhibits in the text, but also include links for references to the record, the case law and even high tech exhibits such as computer animations and video clips.
3. Double blind bid and offer software allowing parties to post double-blind settlement offers on a highly secure web-site. The applications analyze the spread between the bids and allow multiple rounds of bidding.
4. Whiteboards or Netmeeting – This technology uses a live Internet site for parties simultaneously review an exhibit or even mark-up an issue online. NetMeeting software comes free with Microsoft Windows while Internet-based services such as WebEx and PlaceWare allow anyone with a web browser to conduct on-line meetings by collaborating on documents, screen shows and "whiteboards" which function like a blackboard in which anyone can draw a diagram that appears on the screens of every participant's computer.
5. Video conferencing - This technology can be very effective in settlement conferences, remote examinations of expert witnesses and on-line court hearings.

court function onto the already successful DCM system in an effort to improve the efficiency of an outstanding Judiciary. We do not view these recommendations, as some have suggested, as a "slippery slope," leading to the unwarranted proliferation of specialty courts. Other jurisdictions have found that the establishment of so-called business courts, divisions or programs have succeeded in administering business disputes more effectively without leading to such a problem. Indeed, the realities that have guided our deliberations and driven our recommendations, *i.e.*, the increasing specialization of the world around us generally, and the legal profession, in particular, have compelled our conclusion and recommendation that an even better and more specially trained judiciary is required in order to efficiently serve the citizens of our State in the twenty-first century.

This proposal for a Business and Technology Case Management Program, we believe, is unique and innovative, and provides Maryland with the opportunity to shed its perception as having an anti-business atmosphere while not damaging the integrity of the Judiciary. Indeed, this report has already attracted extensive local and national attention. Having a court that has special business and technology competence and uses technology to administer its docket puts Maryland in the forefront of adaptation to the new realities of the Information Age.

APPENDIX A
INPUT FROM THE MARYLAND BUSINESS AND LEGAL COMMUNITIES

Testimony heard by the Task Force from Maryland citizens can be broken into the following categories: (1) commentary from Maryland businessmen and women; (2) commentary from various committees and members of the Maryland Bar Association; and (3) commentary from Maryland's judiciary.

A. Maryland's Business Community

Commentary from the Maryland business community has been overwhelmingly favorable. Maryland has long been looked upon by the business community as having an anti-business atmosphere. The business people who testified before the Task Force uniformly agreed that implementation of a business and technology function within the State Circuit Court System would prove to be a significant step in changing this perception. Although not one witness testified that the implementation of such a function will prove to be the deciding factor in whether a business chooses Maryland as its state of incorporation or principal place of business, the establishment of such a division will certainly weigh in favor of Maryland being chosen. For example, one witness who testified before the Task Force testified that the entry of what his organization perceived to be a misguided and incorrect judgment in another state has led his company to re-evaluate its holdings and operations in that state. Establishment of a division in the State Circuit Court System that specializes in business and technology issues would, in the mind of this witness, greatly reduce the chance of such a judgment being entered here.

The business people who testified before the Task Force all believe that the establishment of a specialized court function to handle business and technology disputes will provide a number of benefits to not only the business community, but to the judicial system as a whole. For instance, businesses will be able to receive quick and efficient decisions from the court in cases where every day that the case remains undecided costs the parties significant sums of money. Decisions of such a specialized court, in the eyes of the business community, will also be more predictable in that decisions will be made by judges that are educated in business and technology issues. Parties will also be able to rely on written decisions from the trial court which will not only prove helpful in litigating disputes, but will also guide corporate officers and directors in making everyday decisions. Such guidance may actually reduce the number of disputes filed. The business community believes that the issues raised in cases of these types typically involve complex issues at every stage, including discovery, and need the focus and attention of experienced judges. The establishment of a specialized court function would improve the quality of judicial and business administration and generally improve the overall business climate.

Finally, the business people who testified before the Task Force focused on their experiences in other states where specialized divisions for the administration of business disputes have already been established. Other states, particularly New York, have found that all parties are benefited by the establishment of a separate division for complex business cases because of the removal of such cases from the general civil docket rotation. By removing these cases from the general rotation (which although typically

involve a small percentage of the total cases in the system, occupy a disproportionately large amount of judges' time), the overall efficiency of the system is greatly increased. For all of these reasons, the business community seems uniformly in favor of the establishment of a Business and Technology Case Management Program.

B. Maryland's Judiciary

Maryland's judiciary takes a somewhat different view of the establishment of such a function. Although the judiciary firmly supports the efficient and effective resolution of all matters pending before it, as well as the establishment of any procedures which can improve the overall efficiency and effectiveness of the courts, the judiciary questions the need for a separate division and is concerned that the establishment of a separate Business and Technology Division will lead to the unwarranted proliferation of other specialty courts. The judiciary (as well as other groups who question the necessity of the establishment of a Business and Technology Division) point to the establishment of Maryland's DCM program and note that none of the other states which have created specialized business courts had implemented a similar system prior to creation of its business courts. This is an important distinction between Maryland and these other states as there was no evidence presented to the Task Force that there is any substantial problem in the handling of complex cases in Maryland's Circuit Court System. Indeed, even the witnesses from other states that have created business divisions acknowledged the significance of Maryland's DCM system in which complex cases, including business and technology cases, can be given increased attention.

For example, in the Circuit Court for Baltimore City, cases receive a computerized scheduling order when the case becomes at issue, which sets forth a trial date, a mandatory settlement conference, and deadlines for completion of pre-trial discovery and the filing of dispositive motions. Moreover, the Court provides for a customized scheduling order upon written request by any party. Finally, complicated cases, upon request of the parties, may be specially assigned to a particular judge so as to reduce the amount of time necessary to educate the judge hearing the various issues, and hopefully insuring consistent rulings.

Notwithstanding these concerns, the judiciary is firmly in favor of specialized training and education in all areas of the law, including business and technology law, as well as the application of specialized case management techniques and technology for the handling of these cases. Greater efficiency will result from this specialized training and education of judges, as well as the application of the most modern state of the art technology to the filing and processing of these claims. More timely, rational, legally correct, and predictable rulings will result from the handling of these cases by better trained and educated judges whose written opinions are made available to the public.

C. Maryland State Bar Association

Lastly, the opinion of the committees and members of the Maryland State Bar Association, not surprisingly, runs according to the type of law engaged in by the practitioner. The Business Law and Law Practice Management Sections of the Maryland State Bar Association are supportive of the establishment of a Business and Technology Division or Case Management Program. The Litigation Section, on the other hand, has expressed opposition to a separate division, instead preferring to address business and technology litigation with modifications to the existing DCM system.

The Business Law Section believes that the establishment of a separate business division could substantially improve the quality of decisions in business cases, as well as the efficiency with which Maryland courts decide these cases. By specially assigning business cases to a particular judge who has interest, experience and specialized education in business matters, the quality of decisions in such cases will be significantly improved. Moreover, having one judge assigned to a case to hear and decide all issues arising in that case could improve judicial efficiency by eliminating the need to repeatedly educate different judges on the often extensive and complex facts of a business case.

The Business Law Section also points to the experience of other states wherein the burdens on the court system have been reduced by removing complex business and technology cases from the general docket. Experience shows that business litigation is typically far more complex than other forms of litigation and as a result, business cases often require the courts to spend a disproportionately large amount of time on a relatively small number of cases. As a business court could be designed to accommodate these cases and facilitate their resolution, the overall efficiency of the court system could be improved. Where complex business cases are given special attention, the experience in other states has proven that such cases typically resolve more quickly thereby improving the overall efficiency of the entire court system. Thus, the Business Law Section contends, a specialized Business and Technology Division would help to process all Maryland cases, civil and criminal, faster and more efficiently, thus providing Maryland's over-crowded dockets some relief.

The Business Law Section further contends that the establishment of a Business and Technology Division within the State Circuit Court System could increase the number of business entities incorporated and headquartered in Maryland which improves the State's overall economy. The Section believes that the quality of the State's court system can have a significant impact on the selection of the state of incorporation of a business because of the increased likelihood that legal action involving that company will be brought in that selected state. Having a business and technology court in Maryland may make incorporation and headquartering of businesses in Maryland more attractive.

The Litigation Section believes that the current DCM program, with some modification, should be able to handle the concerns relating to complex business and technology cases. The Litigation Section further believes that the creation of a separate division solely for business and technology cases may, in a myopic effort to attract more businesses to Maryland, lead to the view that the State's judiciary is "pro-business." Although certainly attractive to business owners, such a perception (whether real or illusory) could prove harmful to the public perception of the court system for the administration of justice, no matter who the parties may be.

The Litigation Section recognizes, however, that technology cases are relatively new to the judicial system and may require specialized procedures. This Section believes that the DCM system provides a ready solution of the "problems" brought on by these cases and could serve to make Maryland more "business friendly" without a misconceived perception of bias on the part of the judiciary. Towards that end, the Litigation Section proposes that a track be established within the DCM system that would facilitate the fair, prompt and efficient disposition of technology and business cases. Further, the Litigation Section proposes specialized training and education for judges handling these matters and

the establishment of a panel of trained mediators who could help resolve technology cases. The Litigation Section further recommends:

1. Establishment of an Maryland State Bar Association program offering training to officials in the Maryland Department of Business and Economic Development on the unique benefits of the Maryland court system in resolving technology and business disputes.
2. Encouraging the General Assembly to approve increased spending for the courts to upgrade electronic information and filing systems.
3. Establishment of an Maryland State Bar Association committee to monitor developments concerning business and technology litigation and make recommendations for future changes within the court system to keep pace with this rapidly changing area.
4. Use of the trained mediators to prepare a memorandum of law highlighting technology issues for the trial court in the event matters are not resolved in mediation.

The Litigation Section believes that all of these recommendations will effectively address the issues that arise with complex business and technology cases.

APPENDIX B

EXPERIENCE OF OTHER STATES

A state by state survey was conducted by the Task Force to determine the status of business courts in other states throughout the country. The following is a summary of this survey:

1. Ten states have operational business courts or tracks – Delaware, Illinois, Massachusetts, Wisconsin, Nevada, New Jersey, New York, North Carolina, Pennsylvania and Virginia.⁹
2. Two states have established complex litigation courts which hear, among other types of cases, complex business litigation – California and Connecticut.
3. Fourteen states have had some form of discussion about establishing a business court, with some states creating task forces to study the feasibility – Arizona, Colorado, Florida, Georgia, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Oklahoma and Texas.¹⁰
4. Twenty-four states have no current plans to propose establishment of a business court.

Of the states that have some sort of specialized court to hear complex business litigation, Delaware is the best-known, most highly respected, and long-standing. Delaware's Court of Chancery has existed for over two hundred years and has traditional equitable jurisdiction. Its business specialization is not the result of a formal decision to specialize, but rather the incorporation of a large number of companies in Delaware due to its favorable corporate statutes, and the equitable nature of so many of the disputes in which those companies are involved.

The Court of Chancery has five members who each handle approximately two hundred to two hundred twenty-five cases per year. Each member of the Court is responsible for overseeing each case assigned to him until resolution. Members typically draft approximately sixty opinions each year, half of which are published.

The Court's Chancellor, William Chandler, testified before the Task Force that business litigation makes up approximately ninety-five percent of the Court's docket and that the effectiveness of the Court, as well as its national reputation, is brought on by a thorough understanding of corporate issues. Members of the Court of Chancery often discuss complex issues among themselves, and review opinions prior to release to the parties and the public to insure consistency.

Upon request, cases may be expedited with discovery and trial completed in as little as three months. Parties may also seek expedited appeals to the Delaware Supreme Court.

⁹ Wisconsin's business program, although rarely used, is still operational.

¹⁰ As previously set forth, the states that have adopted business courts or are considering adoption of such a court, only Maryland has proposed a division of its general jurisdiction court that focuses on both business and technology issues.

In New York, the movement toward establishment of a business court began in January 1993, when New York County established four specialized "Commercial Parts" to hear complex commercial and business cases. Four experienced judges were assigned to staff this court which led to a thirty-five percent increase in the disposition of business cases in 1993 as compared to 1992.

In January 1995, the Commercial and Federal Litigation Section of the New York State Bar Association issued a comprehensive report recommending establishment of a formal commercial court. The Commercial Division began hearing cases on November 6, 1995, and five New York State Supreme Court judges were assigned to hear exclusively commercial cases in New York County, with an additional commercial division judge designated in Monroe County (Rochester).

By the end of 1996, The Chief Administrative Judge in New York County reported that the business court resulted in a 29% reduction in the average time to dispose of cases assigned to it. Further, there had been an 85% increase in the number of cases settled before trial, and a 26% decrease in the volume of pending cases. By 1998, the court reported a 36% reduction in the average time to dispose of cases, reducing the average time a case spends on the docket from 648 days to 412. These decreases in the number of cases on the docket allowed New York County to reassign one of the business court judges to the general docket as the amount of business cases formerly handled by four judges could now be handled by three. As a result, one full judge's time became available to address and dispose of other cases on New York's civil and criminal docket creating judicial efficiency for all cases, not simply those pending before the business court.

New York's Commercial Division has been widely acclaimed by business people throughout the country as a success. Robert Haig, Co-chair of the Commercial Courts Task Force in New York and advisor to nine states and five countries on the establishment of specialized courts to administer business litigation, testified before the Task Force that establishment of the Commercial Division has had a positive impact on New York's economy and that the business community is extremely enthusiastic about its continued operations.

Equally important, the Commercial Division takes advantage of technological advances such as Courtroom 2000, which uses computers, display monitors and multimedia equipment to increase the speed and effectiveness in which attorneys can try their cases. A digital evidence presentation system allows instant retrieval and quick display of digitized documents. Real-time court reporting allows parties to view the transcript of the proceedings as it is being created. Litigants no longer need to rely on notes to cross-examine, but instead can highlight appropriate passages of testimony for use later. Jurors are able to follow along because the jury box has been equipped with monitors. All of these features have served to shorten trials by up to forty percent, create livelier proceedings, and improve jury retention.

Additionally, the New York County branch of the Commercial Division includes a court-annexed alternative dispute resolution program, in which parties can obtain the services of a mediator from a roster of specially trained professionals experienced in commercial matters. By November 1999, the program had handled close to one thousand cases and achieved settlements in approximately fifty-eight percent of these cases. The success of

the New York County ADR program led to the expansion of the program, with West Chester County¹¹ becoming the second county to create an ADR program. There are further plans to expand the program to other counties. Also, the New York County program itself was expanded to accept smaller commercial cases heard outside the Commercial Division, usually involving smaller businesses, which are especially appropriate for cost-effective ADR.

Finally, Philadelphia recently established a business division of its own. This division went into effect on January 2, 2000 and unlike the New York Commercial Division, only accepts new filings (no cases pending in the court prior to establishment of the business division were transferred to the business division).

Like Maryland, opponents of the establishment of a business division questioned whether there existed a sufficient number of cases to warrant its implementation. This concern has proven illusory as over three hundred cases have been filed in Philadelphia's business division since its creation at the beginning of the year. The division has two judges dedicated full time to handling cases assigned to it, and opinions are placed on a web site for distribution to the public.

William Clark, Chairman of the Business Law Section of the Pennsylvania Bar Association and the American Bar Association Committee on the establishment of Business Courts, testified before the Task Force that a major concern in establishing Philadelphia's business division was that a perception would develop that the judiciary was pro-business. Mr. Clark testified that although it is too early to conclusively determine, it does not appear that this concern has proven true.

¹¹ Buoyed by the overwhelmingly positive response in New York County, the Commercial Division has been expanded and now operates in New York, Monroe, Nassau, West Chester, and Erie Counties.

APPENDIX C

MEMBERS APPOINTED BY THE PRESIDENT OF THE MARYLAND STATE BAR ASSOCIATION, INC.

Wilbur D. Preston, Jr. is Chairman of the Business and Technology Division Task Force, appointed as the designee of the President of the Maryland State Bar Association, Inc. (MSBA). Mr. Preston is Chairman of the law firm of Whiteford, Taylor & Preston L.L.P. with practice areas in banking, government, municipal law and housing law. He was admitted to the Maryland Bar in 1948 and is a graduate of Western Maryland College (A.B.) and the University of Maryland (L.L.B.)

Wesley D. Blakeslee is a member of the Business and Technology Division Task Force, appointed on the recommendation of the MSBA Special Committee on Technology. Mr. Blakeslee is Associate General Counsel with Johns Hopkins University. He was admitted to the Maryland Bar in 1976, and is a graduate of Pennsylvania State University (B.S.) and the University of Maryland Law School (J.D.)

The Honorable Charles B. Day is a member of the Business and Technology Division Task Force, appointed on the recommendation of the President of the MSBA to bring a federal perspective to the panel's proceedings. Mr. Day is U.S. Magistrate. He was admitted to the Maryland Bar in 1985, and is a graduate of the University of Maryland (B.A., J.D.)

Alan R. Duncan is a public member of the Business and Technology Division Task Force. Mr. Duncan is the President and CEO of Dynamic Access Systems, LLC, which was formed from the merger of Duncan Technologies, LLC, providing technology services to businesses and government in the planning and management of computer technology and computer security programs. He is a graduate of Fairmont State College (B.S.) and The Wharton School, University of Pennsylvania (Information Systems Program).

Nariman Farvardin is a public member of the Business and Technology Division Task Force. Dr. Farvardin is the Dean of the A. James Clark School of Engineering at the University of Maryland, College Park (effective August 2000). He is a graduate of Rensselaer Polytechnic Institute (B.S., magna cum laude, M.D., Ph.D.)

Michael Hickman is a public member of the Business and Technology Division Task Force. Mr. Hickman is the co-founder of Blue Lobster Software which was acquired by SEGA Software. He is presently Global Product Manager for General Electric responsible for global exchange services.

Robert D. Kalinoski is a member of the Business and Technology Division Task Force, appointed on the recommendation of the MSBA Section of Business Law. Mr. Kalinoski is a partner at the law firm of Kalinoski & Riordan, P.A. with practice areas in business law, corporate law, probate and estate planning, contract law, taxation, real estate, intellectual property, and employment law. He was admitted to the Maryland Bar in 1990, and is a graduate of Harvard University (A.B., cum laude) and the Boston University School of Law (J.D.)

James I. Keane is a public member of the Business and Technology Division Task Force. Mr. Keane is the Chief Legal Officer of Data West Corporation (CourtLink/JusticeLink, an Internet company that permits secure electronic filing of court pleadings in many state courts, and

computer access to court dockets at the federal, state and local levels. He was admitted to the Maryland in 1971, and is a graduate of Marquette University (B.A., magna cum laude), and the Georgetown University Law Center (J.D.)

Ava E. Lias-Booker is a member of the Business and Technology Division Task Force, appointed on the recommendation of the MSBA Section of Judicial Administration. Mr. Lias-Booker is a partner at the law firm of Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC with practice areas in commercial institutions, financial institutions, litigation and banking law. She was admitted to the Maryland Bar in 1986, and is a graduate of Duke University (B.A.) and the University of Maryland (J.D.)

Christopher R. McCleary is a public member of the Business and Technology Division Task Force. Mr. McCleary is the Chairman and CEO of Usinternetworking, Inc., an Application Service Provider (ASP) outsourcing business applications over the Internet. He is a graduate of the University of Kentucky (B.S.)

Susan M. Souder is a member of the Business and Technology Division Task Force, appointed on the recommendation of the MSBA Section of Litigation. Ms. Souder is a sole practitioner with an emphasis on commercial litigation. She was admitted to the Maryland Bar in 1982, and is a graduate of the University of Maryland (B.A., cum laude) and Georgetown University (J.D., cum laude).

John C. Weiss, III is a public member of the Business and Technology Division Task Force. Mr. Weiss is the Executive in Residence for Innovation and Entrepreneurship at the University of Baltimore, Merrick School of Business, and Special Consultant to the Board of Trustees of the Maryland Venture Capital Trust. He is a graduate of Towson University (B.S.) and Loyola College (M.B.A.), with graduate certificates from Harvard University and the American Institute of Banking.

MEMBERS APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS

The Honorable John C. Eldridge is a judicial appointee to the Business and Technology Division Task Force. Judge Eldridge has been a member of the Maryland Court of Appeals from the 5th Appellate Circuit (Anne Arundel, Calvert, Charles & St. Mary's counties) since 1974. He was admitted to the Maryland Bar in 1960, and is a graduate of Harvard College (B.A.) and the University of Maryland School of Law (L.L.B.)

The Honorable Steve I. Platt is a judicial appointee to the Business and Technology Division Task Force. Judge Platt has been a member of the Prince George's County Circuit Court since 1990. He was admitted to the Maryland Bar in 1975, and is a graduate of the University of Virginia (B.A.) and the American University Law School (J.D.)

The Honorable Marielsa A. Bernard is a judicial appointee to the Business and Technology Division Task Force. Judge Bernard has been a member of the District Court of Maryland, District 6, Montgomery County since 1998. She was admitted to the Maryland Bar in 1981, and is a graduate of Loyola College (B.A.) and the Catholic University of America (J.D.)

MEMBERS APPOINTED BY THE PRESIDENT OF THE STATE SENATE

The Honorable Leo E. Green is a State Senate appointee to the Business and Technology Division Task Force. Senator Green was first elected to the State Senate in 1982 and presently is serving as Vice-Chair of the Senate Judicial Proceedings Committee. He was admitted to the Maryland Bar in 1963, and is a graduate of Mount St. Mary's College (B.S.) and the Georgetown University School of Law (L.L.B., J.D.)

The Honorable Leonard H. Teitelbaum is a State Senate appointee to the Business and Technology Division Task Force. Senator Teitelbaum was first elected to the State Senate in 1994 and presently is serving on the Senate Finance Committee. He is a graduate of Rensselaer Polytechnic Institute (B.Mgt.Eng.)

MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES

The Honorable Anthony G. Brown is a House of Delegates appointee to the Business and Technology Division Task Force. Delegate Brown was elected to the House of Delegates in 1998 and serves on the Economic Matters Committee. He was admitted to the Maryland Bar in 1994, and is a graduate of Harvard University (A.B.) and the Harvard University Law School (J.D.)

The Honorable John Adams Hurson is a House of Delegates appointee to the Business and Technology Division Task Force. Delegate Hurson was first elected to the House of Delegates in 1990 and presently is House Majority Leader and serves on the Environmental Matters Committee. He was admitted to the Maryland Bar in 1979, and is a graduate of Georgetown University (B.A.) and the Georgetown University Law Center (J.D.)

* * * *

Steven E. Tiller is the Reporter for the Business and Technology Division Task Force. Mr. Tiller is with the law firm of Whiteford, Taylor & Preston L.L.P. with practice areas in intellectual property, commercial law, computers and software litigation. He was admitted to the Maryland Bar in 1992, the United States Patent Office in 1995, and is a graduate of James Madison University (B.S.) and the University of Kentucky School of Law (J.D.)

* * * *

Eric G. Orlinsky is a consultant to the Business and Technology Division Task Force. Mr. Orlinsky is with the law firm of Saul Ewing LLP with practice areas in business planning, mergers, acquisitions and reorganizations. He was admitted to practice law in Maryland in 1992 and is a graduate of Johns Hopkins University (B.A.) and the University of Maryland School of Law (J.D.)

TAB U

Document 1 of 1**Source:**

Maryland Rules/MARYLAND RULES /Title 16. Courts, Judges, and Attorneys /Chapter 200. The Calendar - Assignment and Disposition of Motions and Cases /Rule 16-205. Business and technology case management program.

Rule 16-205. Business and technology case management program.

(a) *Definitions.*- The following definitions apply in this Rule:

(1) *ADR.*- "ADR" means "alternative dispute resolution" as defined in Rule 17-102.

(2) *Program.*- "Program" means the business and technology case management program established pursuant to this Rule.

(3) *Program judge.*- "Program judge" means a judge of a circuit court who is assigned to the program.

(b) *Program established.*- Subject to the availability of fiscal and human resources, a program approved by the Chief Judge of the Court of Appeals shall be established to enable each circuit court to handle business and technology matters in a coordinated, efficient, and responsive manner and to afford convenient access to lawyers and litigants in business and technology matters. The program shall include:

(1) a program track within the differentiated case management system established under Rule 16-202;

(2) the procedure by which an action is assigned to the program;

(3) program judges who are specially trained in business and technology; and

(4) ADR proceedings conducted by persons qualified under Title 17 of these Rules and specially trained in business and technology.

Cross References.

See Rules 16-101 a and 16-103 a concerning the assignment of a judge of the circuit court for a county to sit as a program judge in the circuit court for another county.

(c) *Assignment of actions to the program.*- On written request of a party or on the court's own initiative, the Circuit Administrative Judge of the circuit in which an action is filed or the Administrative Judge's designee may assign the action to the program if the judge determines that the action presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Factors that the judge may consider in making the determination include: (1) the nature of the relief sought, (2) the number and diverse interests of the parties, (3) the anticipated nature and extent of pretrial discovery and motions, (4) whether the parties agree to waive venue for the hearing of motions and other pretrial matters, (5) the degree of novelty and complexity of the factual and legal issues presented, (6) whether business or technology issues predominate over other issues presented in the action, and (7) the willingness of the parties to participate in ADR procedures.

(d) *Assignment to program judge.*- Each action assigned to the program shall be assigned to a specific

program judge. The program judge to whom the action is assigned shall hear all proceedings until the matter is concluded, except that, if necessary to prevent undue delay, prejudice, or injustice, the Circuit Administrative Judge or the Circuit Administrative Judge's designee may designate another judge to hear a particular pretrial matter. That judge shall be a program judge, if practicable.

(e) *Scheduling conference; Order.*- Promptly after an action is assigned, the program judge shall (1) hold a scheduling conference under Rule 2-504.1 at which the program judge and the parties discuss the scheduling of discovery, ADR, and a trial date and (2) enter a scheduling order under Rule 2-504 that includes case management decisions made by the court at or as a result of the scheduling conference.

[Added Oct. 31, 2002, effective Jan. 1, 2003.]

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TAB V

Circuit Court for _____

City or County _____

CIVIL-NON-DOMESTIC CASE INFORMATION REPORT

Directions:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: ☐ PLAINTIFF ☐ DEFENDANT CASE NUMBER: _____ (Click to insert)

CASE NAME: _____ v _____

JURY DEMAND: ☐ Yes ☐ No Anticipated length of trial: _____ hours or _____ days

RELATED CASE PENDING? ☐ Yes ☐ No If yes, Case #(s), if known: _____

Special Requirements? ☒ Interpreter/communication impairment Which language _____
(Attach Form 1-332 if Accommodation or Interpreter Needed) Which dialect _____
☐ ADA accommodation: _____

NATURE OF ACTION (CHECK ONE BOX)		DAMAGES/RELIEF	
TORTS <input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____	LABOR <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____ <hr/> CONTRACTS <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____ <hr/> REAL PROPERTY <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____ <hr/> OTHER <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other _____	A. TORTS Actual Damages <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> Medical Bills <input type="checkbox"/> \$7,500 - \$50,000 \$ _____ <input type="checkbox"/> \$50,000 - \$100,000 <input type="checkbox"/> Property Damages <input type="checkbox"/> Over \$100,000 \$ _____ <input type="checkbox"/> Wage Loss \$ _____	B. CONTRACTS <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000 C. NONMONETARY <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation ☐ Yes ☐ No C. Settlement Conference ☐ Yes ☐ No
B. Arbitration ☐ Yes ☐ No D. Neutral Evaluation ☐ Yes ☐ No

TRACK REQUEST

With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

☐ ½ day of trial or less ☐ 3 days of trial time
☐ 1 day of trial time ☐ More than 3 days of trial time
☐ 2 days of trial time

PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY.

Date _____ Signature _____

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.



Expedited

Trial within 7 months of
Defendant's response



Standard

Trial - 18 months of
Defendant's response

☐ EMERGENCY RELIEF REQUESTED _____

Signature _____

Date _____

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

CIRCUIT COURT FOR BALTIMORE CITY (check only one)

- ☐ Expedited Trial 60 to 120 days from notice. Non-jury matters.
- ☐ Standard-Short Trial seven months from Defendant's response. Includes torts with actual damages up to \$7,500; contract claims up to \$20,000; condemnations; injunctions and declaratory judgments.
- ☐ Standard-Medium Trial 12 months from Defendant's response. Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000.
- ☐ Standard-Complex Trial 18 months from Defendant's response. Includes complex cases requiring prolonged discovery with actual damages in excess of \$50,000.
- ☐ Lead Paint Fill in: Birthdate of youngest plaintiff _____.
- ☐ Asbestos Events and deadlines set by individual judge.
- ☐ Protracted Cases Complex cases designated by the Administrative Judge.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is not an admission and may not be used for any purpose other than Track Assignment.

- ☐ Liability is conceded.
- ☐ Liability is not conceded, but is not seriously in dispute.
- ☐ Liability is seriously in dispute.

CIRCUIT COURT FOR BALTIMORE COUNTY

- ☐ Expedited (Trial Date-90 days) Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.
- ☐ Standard (Trial Date-240 days) Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, Intentional Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.
- ☐ Extended Standard (Trial Date-345 days) Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency.
- ☐ Complex (Trial Date-450 days) Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.

TAB W

**IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY,
MARYLAND**

DATE

CIVIL #

CASE NAME:

**RE: REQUEST FOR ASSIGNMENT TO BUSINESS AND TECHNOLOGY
TRACK**

The Court is in receipt of your request for case assignment to the business technology track. Pursuant to Rule 16-205(c), the administrative judge may assign actions to that track if, "... the action presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice." In order to determine whether this case meets that criteria, you must file a **ONE** page statement with the civil clerk's office (Room 107) explaining why that assignment is appropriate. To assist the court in making the proper determination, please address each of the factors identified in Rule 16-205(c).

If the above referenced **ONE** page statement is not filed within 15 days of the date of this order, the case will automatically be assigned to the most appropriate of the remaining civil tracks.

Administrative Judge

Date

TO THE CLERK: Please mail a copy of the notice to counsel and return the case to the Administrative Aides.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff
v.
Defendant

Case No.:

CASE TRACK ASSIGNMENT

(1242)

The request for the above captioned case having been considered, it is
this _____ day of _____, 200__,

ORDERED that the Request for Assignment to the Business and Technology Case
Management Program is hereby **GRANTED** and is assigned to **Expedited Track 5** or
Standard Track 6 (circle one)

Or

ORDERED that the Request for Assignment to the Business and Technology Case
Management Program is hereby **DENIED** and the case shall be assigned to the regular
Civil Differentiated Case Management Track in accordance with those guidelines.

JUDGE

Form Location: FORMMENU - BTTA

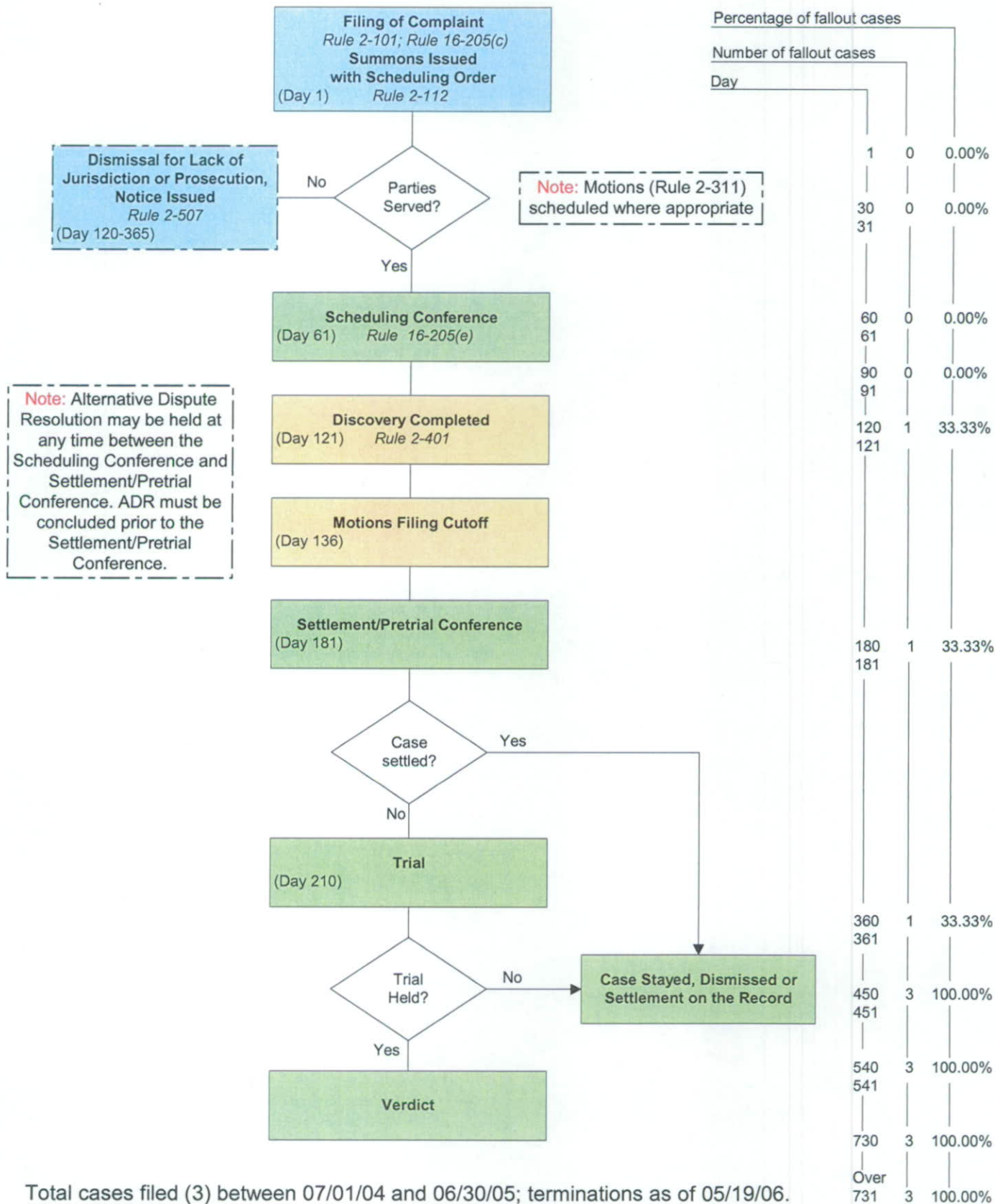
TAB X

BUSINESS AND TECHNOLOGY TRACKING GUIDELINES

EVENT	EXPEDITED TRACK 5	STANDARD TRACK 6
	<i>DAY</i>	<i>DAY</i>
Filing of Complaint	1	1
Track Assignment by Administrative Judge	1	1
Scheduling Hrg. Order	1	1
Scheduling Hearing	61	91
Plaintiff's Experts Identified		166
Defendant's Experts Identified		211
All Written Discovery Served By		256
Discovery Completed	121	286
Motions Filing Cut-Off Date	136	331
Meeting of All Counsel		347
Joint Pretrial Stmt. Filed		356
Settlement/Pretrial Hearing	181	361
Trial	210	421-540

B & T Expedited
TRACK 5

Business and Technology Expedited Track 5



Total cases filed (3) between 07/01/04 and 06/30/05; terminations as of 05/19/06.

O:\Administ\WORDDOC\Flow Charts\Business & Technology Flow Charts May 2006.doc

BUSINESS AND TECHNOLOGY TRACK

EXPEDITED TRACK 5

An action will be assigned to this track if the action presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Rule 16-205(c). If the plaintiff requests the Expedited Track, the court assumes service upon the defendant will be immediate.

=====

DAY

1

FILING OF COMPLAINT

The Civil Department will file & docket the complaint as a new suit and forward the file together with the B & T track request to the Administrative Judge. The case will be temporarily tracked as **Track B** until the Administrative Judge determines the track assignment. Upon the Administrative Judge's direction to assign the case to the **B&T Expedited Track 5**, the civil department will docket the case as a B & T case, the computer will post Status/Pre-trial Hearing on the Assignment Office docket, and print the Scheduling Order for service. The Civil Office will mail copies to plaintiff, attach copies to summons for each defendant along with the Defendant's Information Form, and a copy of the Plaintiff's Information Form.

Any emergency relief sought will be determined or assigned by the Administrative Judge at the filing of the complaint.

(If there is a discrepancy as to the track information, counsel for the defendant shall notify the assigned judge as soon as possible).

61

60

SCHEDULING HEARING

121

120 days

DISCOVERY COMPLETED

136

15 days

MOTIONS FILING CUTOFF

181

45 days

STATUS/PRE-TRIAL HEARING

Status/Pre-trial Statement to be prepared with the following information provided:

1. State nature of case.
2. Set forth claims and defenses.
3. Stipulations.
4. Number of witnesses and exhibits.

210 30 days TRIAL DATE

TAB Y

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

TRAVIS MURRELL
Defendant

Civil No. 256994-V

NOTICE OF SCHEDULING HEARING AND ORDER OF COURT - TRACK V

It is by the Circuit Court for Montgomery County, Maryland, hereby ORDERED as follows:

- 1) Effective this date, this case is assigned to the individual judge designated below. ALL FUTURE FILINGS IN THIS CASE SHALL BEAR THE CASE NUMBER AND THE JUDGE'S NAME BENEATH THE CASE NUMBER. On filing any motion or paper related thereto with the Clerk's Office, a courtesy copy shall be delivered to the assigned judge's chambers by the party filing the pleading.

MOTIONS FILED IN A TRACK V ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT

- 2) Within fifty-five (55) days of the filing of the Complaint, Plaintiff must file proof of service on each of the Defendants of the following: copies of the Summons, the Complaint, and this Notice of Scheduling Hearing and Order. As to any Defendant for whom such proof of service has not been filed, the Court will consider dismissing the Complaint without prejudice at the time of the Scheduling Hearing. As to any Defendant not served at the time of the initial Scheduling Hearing, the Court may sever the case against that party.
 - a) As to any Defendant served with the Summons and Complaint, within thirty days of service, the Defendant must file the Defendant's Civil Information Form with the initial pleading and a copy mailed to Plaintiff.
- 3) Within the time permitted under Maryland Rules, each Defendant must respond to the Complaint by filing an Answer or other responsive pleading. These pleadings must be filed in accordance with Rule 2-321. If no timely response has been filed, the Court may enter an Order of Default pursuant to Rule 2-613 at the time of the initial Scheduling Hearing.
- 4) Ten days before the initial Scheduling Hearing, each party must file at Court and provide the other party and the assigned judge a Scheduling Hearing Statement setting forth the following information:
 - a) for the Plaintiff, a brief statement of the nature of the controversy and the claims being made by the Plaintiffs;
 - b) for the Defendant, a concise statement of the Defendant's defenses;

- c) an itemization of damages or other relief sought for the Plaintiff and an itemization of matters in mitigation of damages or in opposition to the relief sought by the Defendant;
 - d) the maximum offer or minimum demand now acceptable to your client;
 - e) a concise statement of the number of witnesses and a designation of the number and identity of proposed expert witnesses;
 - f) an estimation of the amount of time it will take to complete each party's portion of the trial.
- 5) No later than 10 days before the initial Scheduling Hearing, the parties shall confer in person or by telephone and attempt to reach agreement, or narrow the areas of disagreement as to the preservation of electronic information, if any, and the necessity and manner of conducting discovery regarding electronic information, and the parties shall be prepared to address the following at the Scheduling Hearing:
- a) Identification and retention of discoverable electronic information and what, if any, initial discovery and any party requests in order to identify discoverable electronic information;
 - b) Exchange of discoverable information in electronic format where appropriate, including:
 - i) The format of production, *i.e.*, PDF, TIFF or JPEG file or native formats such as Microsoft Word, Word Perfect, *etc.*, and the manner in which the information shall be exchanged such as CD-ROM disks or otherwise; and
 - ii) Whether separate indices will be exchanged and whether the documents and information exchanged will be electronically numbered.
 - c) Whether the parties agree as to the apportionment of costs for production of electronic information that is not maintained on a party's active computers, computer servers or databases;
 - d) The manner of handling inadvertent production of privileged materials; and
 - e) Whether the parties agree to refer electronic discovery disputes to a Special Master for resolution.

The parties shall reduce all areas of agreement, including any agreements regarding inadvertent disclosure of privileged materials, to a stipulated order to be presented to the court at or before the Scheduling Hearing.

- 6) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an initial Scheduling Hearing to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings. This Order is the only notice that parties and counsel will receive concerning this hearing. Failure to appear may result in sanctions.

- 7) Upon advice that the date noted below is inconvenient for any counsel or unrepresented party, the assigned judge may postpone the Hearing once, with the consent of all parties, to his/her next succeeding hearing date. No other postponement of the Hearing will be granted except upon motion for good cause shown.

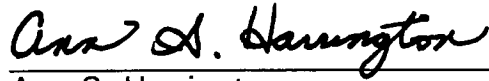
Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.

Case assigned to: Judge MICHAEL D MASON

Scheduling Hearing Date: September 22, 2006

Time: 9:00 AM Courtroom #: 9

DATE: 07/18/2006



Ann S. Harrington,
County Administrative Judge

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

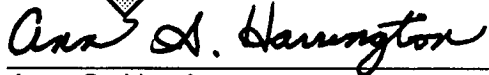
TRAVIS MURRELL
Defendant

Case No. 256994-V

**BUSINESS AND TECHNOLOGY CASE
SCHEDULING ORDER
TRACK V**

This ORDER is your official notice of dates and required Court appearances. ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION AND FILED BEFORE THE COMPLIANCE DATE(S). The motion must provide good cause to justify the requested modification. Stipulations between counsel shall not be effective to change any deadlines absent court approval. Failure to appear or comply with all terms may result in dismissal, default judgment, refusal to let witnesses testify, refusal to admit exhibits, the assessment of costs and expenses, including attorney fees, or other sanctions.

DATE: 12/02/2004
(At filing of Complaint)


Ann S. Harrington,
County Administrative Judge

This case is assigned to Civil Track V

SCHEDULING HEARING	09/22/2006 9:00
DISCOVERY COMPLETED	11/15/2006
MOTIONS/INC DISPOSITIVE FILED BY	11/30/2006
SETTLEMENT/PRETRIAL HRG.	01/19/2007 1:30

Identification of additional parties is governed by Rule 2-331, 2-332 and 2-341.

Compliance with identification of experts requires one to provide in writing, in the manner set forth in Rule 2-402(f)(1), the names of the experts to be called as witnesses along with the substance of their testimony including findings and opinions and reasons therefor. Copies of all reports must be attached.

MOTIONS FILED IN A TRACK V ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

TRAVIS MURRELL
Defendant

:
: Civil No. **256994-V**
:
: Pre-Trial Date: **01/19/2007**
:
: Judge MICHAEL D MASON
:
: Jury ____ Court ____

ORDER FOR PRE-TRIAL CONFERENCE - TRACK V

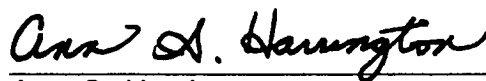
In accordance with Maryland Rules of Procedure, Rule 2-504, and in order to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time and at the least possible cost to the Court and to litigants, it is, this 18th day of July, 2006, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the parties or their attorneys who intend to try the case shall appear in court for a Settlement/Pre-trial Conference on the date set forth above. No further notice will be given of this date. Those in attendance must have settlement authority or phone access to those who do. The parties or their attorneys shall meet at least two weeks prior to the conference date to prepare a written joint pre-trial statement and endeavor to settle the case. If the parties cannot agree to the meeting place or date, it shall be two weeks before the conference date at 9:00 a.m. in the lobby of the Court House. The joint settlement/pre-trial statement shall be signed by all parties or their attorneys and shall be filed with the court at least five days before the Settlement/Pre-trial Conference and shall contain the following:

1. Nature of the Case: A brief, non-argumentative statement suitable for reading to a jury.
2. Claims and/or Defenses: Each party to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. Undisputed Issues and Facts: List all issues not in dispute and set forth stipulated facts.
4. Disputed Issues: List each disputed issue and the principal contentions of all parties respecting each.
5. Relief Sought: Specify nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. Citations: List any cases or statutes which need to be called to the Court's attention.
7. Pending Motions: List title, movant, and filing date of pending motions.
8. Witnesses: Name, address and telephone number of each person who may be called to testify. As to experts, list matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
9. Exhibits: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication.

Complete list of exhibits identifying by exhibit number each documentary that may be offered at trial. (Stickers to be attached to each exhibit are available in Clerk's office.) Any objections to another party's exhibits should be stated.

10. Deposition Testimony: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. Pleadings and Discovery Responses: Designation by page and paragraph of any pleading or discovery response to be offered as substantive evidence, not impeachment.
12. Demonstrative or Physical Evidence: Describe any items of non-testimonial, non-documentary evidence -- models, samples, objects, etc. -- to be utilized at trial.
13. Videotapes: Identify any videotapes to be shown to the jury and authority for doing so.
14. Requested Jury Selection Questions: Identify those agreed upon and include any objections made by either side.
15. Pattern Jury Instructions: Identify those agreed upon and those not agreed upon. Designate the source of the pattern.
16. Non-Pattern Jury Instructions: Supply complete text of each instruction, with authorities, on a separate page.
17. Verdict Sheet (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. Settlement: (Optional) Minimum demand; Maximum offer.
19. Estimated Length of Trial: _____ days.



Ann S. Harrington,
County Administrative Judge

B & T Standard
TRACK 6



BUSINESS AND TECHNOLOGY TRACK

STANDARD TRACK 6

An action will be assigned to this track if the action presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Rule 16-205(c).

=====

DAY

1

FILING OF COMPLAINT

The Civil Department will file & docket the complaint as a new suit and forward the file together with the B & T track request to the Administrative Judge. The case will be temporarily tracked as **Track B** until the Administrative Judge determines the track assignment. Upon the Administrative Judge's direction to assign the case to the **B&T Standard Track 6**, the civil department will docket the case as a B & T case, the computer will post Scheduling Hearing on the assigned Judge's docket, record cutoff dates, and print Notice of Scheduling Hearing. Case will be assigned to a B & T Standard Track to be managed by the assigned B & T judge. The Civil Office will mail copies to plaintiff, attach copies to summons for each defendant along with the Defendant's Information Form, and a copy of the Plaintiff's Information Form, if provided.

Any emergency relief sought will be determined or assigned by the Administrative Judge at the filing of the complaint.

(If there is a discrepancy as to the track information, counsel for the defendant shall notify the assigned judge as soon as possible).

91

90 days

SCHEDULING HEARING

1. Establish trial length, review issues, discovery matters.
2. Prepare discovery order:
 - Establish deadline dates.
 - Govern pre-trial process.
3. Establish Scheduling Order and provide copies to all parties.

4. Order for Pre-trial Hearing to be given to counsel for all parties.
5. Judge to ascertain whether ADR is feasible at this time.

166	75 days	PLAINTIFF'S EXPERTS IDENTIFIED
211	45 days	DEFENDANT'S EXPERTS IDENTIFIED
256	45 days	ALL WRITTEN DISCOVERY SERVED BY
286	30 days	DISCOVERY COMPLETED
331	45 days	MOTIONS FILING CUTOFF
347	-9 days	MEETING OF ALL COUNSEL All counsel are to meet 9 days prior to the Settlement/Pre-trial Hearing to prepare the Pre-trial Statement and discuss settlement.
356	-5 days	JOINT PRE-TRIAL STATEMENT FILED BY A JOINT Pre-trial Statement is to be filed 5 days prior to the Settlement/Pre-trial Hearing.
361	30 days	SETTLEMENT/PRE-TRIAL HEARING
421-540	60-120 days	TRIAL DATE

TAB Z

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

TRAVIS MURRELL
Defendant

Civil No. 256994-V

NOTICE OF SCHEDULING HEARING AND ORDER OF COURT - TRACK VI

It is by the Circuit Court for Montgomery County, Maryland, hereby ORDERED as follows:

- 1) Effective this date, this case is assigned to the individual judge designated below. ALL FUTURE FILINGS IN THIS CASE SHALL BEAR THE CASE NUMBER AND THE JUDGE'S NAME BENEATH THE CASE NUMBER. On filing any motion or paper related thereto with the Clerk's Office, a courtesy copy shall be delivered to the assigned judge's chambers by the party filing the pleading.

**MOTIONS FILED IN A TRACK VI ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY
MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT**

- 2) Within sixty-five (65) days of the filing of the Complaint, Plaintiff must file proof of service on each of the Defendants of the following: copies of the Summons, the Complaint, and this Notice of Scheduling Hearing and Order. As to any Defendant for whom such proof of service has not been filed, the Court will consider dismissing the Complaint without prejudice at the time of the Scheduling Hearing. As to any Defendant not served at the time of the initial Scheduling Hearing, the Court may sever the case against that party.
 - a) As to any Defendant served with the Summons and Complaint, within thirty days of service, the Defendant must file the Defendant's Civil Information Form with the initial pleading and a copy mailed to Plaintiff.
- 3) Within the time permitted under Maryland Rules, each Defendant must respond to the Complaint by filing an Answer or other responsive pleading. These pleadings must be filed in accordance with Rule 2-321. If no timely response has been filed, the Court may enter an Order of Default pursuant to Rule 2-613 at the time of the Initial Scheduling Hearing.
- 4) Ten days before the initial Scheduling Hearing, each party must file at Court and provide the other party and the assigned judge a Scheduling Hearing Statement setting forth the following information:
 - a) for the Plaintiff, a brief statement of the nature of the controversy and the claims being made by the Plaintiffs;
 - b) for the Defendant, a concise statement of the Defendant's defenses;

- c) an itemization of damages or other relief sought for the Plaintiff and an itemization of matters in mitigation of damages or in opposition to the relief sought by the Defendant;
 - d) the maximum offer or minimum demand now acceptable to your client;
 - e) a concise statement of the number of witnesses and a designation of the number and identity of proposed expert witnesses;
 - f) an estimation of the amount of time it will take to complete each party's portion of the trial.
- 5) No later than 10 days before the initial Scheduling Hearing, the parties shall confer in person or by telephone and attempt to reach agreement, or narrow the areas of disagreement as to the preservation of electronic information, if any, and the necessity and manner of conducting discovery regarding electronic information, and the parties shall be prepared to address the following at the Scheduling Hearing:
- a) Identification and retention of discoverable electronic information and what, if any, initial discovery and any party requests in order to identify discoverable electronic information;
 - b) Exchange of discoverable information in electronic format where appropriate, including:
 - i) The format of production, *i.e.*, PDF, TIFF or JPEG file or native formats such as Microsoft Word, Word Perfect, *etc.*, and the manner in which the information shall be exchanged such as CD-ROM disks or otherwise; and
 - ii) Whether separate indices will be exchanged and whether the documents and information exchanged will be electronically numbered.
 - c) Whether the parties agree as to the apportionment of costs for production of electronic information that is not maintained on a party's active computers, computer servers or databases;
 - d) The manner of handling inadvertent production of privileged materials; and
 - e) Whether the parties agree to refer electronic discovery disputes to a Special Master for resolution.

The parties shall reduce all areas of agreement, including any agreements regarding inadvertent disclosure of privileged materials, to a stipulated order to be presented to the court at or before the Scheduling Hearing.

- 6) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an initial Scheduling Hearing to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings. This Order is the only notice that parties and counsel will receive concerning this hearing. Failure to appear may result in sanctions.

- 7) Upon advice that the date noted below is inconvenient for any counsel or unrepresented party, the assigned judge may postpone the Hearing once, with the consent of all parties, to his/her next succeeding hearing date. No other postponement of the Hearing will be granted except upon motion for good cause shown.

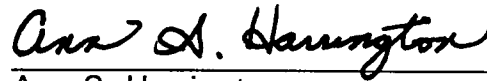
Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.

Case assigned to: Judge MICHAEL D MASON

Scheduling Hearing Date: October 20, 2006

Time: 9:00 AM Courtroom #: 9

DATE: 07/18/2006



Ann S. Harrington,
County Administrative Judge

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

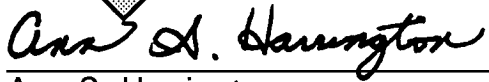
TRAVIS MURRELL
Defendant

Case No. 256994-V

**BUSINESS AND TECHNOLOGY CASE
SCHEDULING ORDER
TRACK VI**

This ORDER is your official notice of dates and required Court appearances. ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION AND FILED BEFORE THE COMPLIANCE DATE(S). The motion must provide good cause to justify the requested modification. Stipulations between counsel shall not be effective to change any deadlines absent court approval. Failure to appear or comply with all terms may result in dismissal, default judgment, refusal to let witnesses testify, refusal to admit exhibits, the assessment of costs and expenses, including attorney fees, or other sanctions.

DATE: 12/02/2004
(At filing of Complaint)


Ann S. Harrington,
County Administrative Judge

This case is assigned to Civil Track VI

SCHEDULING HEARING	10/20/2006 9:00
PLT EXPERTS IDENTIFIED/FILED BY	01/02/2007
DEF EXPERTS IDENTIFIED/FILED BY	02/13/2007
ALL WRITTEN DISCOVERY SERVED BY	03/30/2007
DISCOVERY COMPLETED	04/30/2007
MOTIONS/INC DISPOSITIVE FILED BY	06/13/2007
MEETING OF ALL COUNSEL	06/29/2007
JOINT PRETRIAL STMT FILED BY	07/09/2007
SETTLEMENT/PRETRIAL HRG.	07/13/2007 1:30

Identification of additional parties is governed by Rule 2-331, 2-332 and 2-341.

Compliance with identification of experts requires one to provide in writing, in the manner set forth in Rule 2-402(f)(1), the names of the experts to be called as witnesses along with the substance of their testimony including findings and opinions and reasons therefor. Copies of all reports must be attached.

MOTIONS FILED IN A TRACK VI ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

SIMON KROWITZ MEADOWS & BORTNICK PA
Plaintiff

v.

TRAVIS MURRELL
Defendant

:
: Civil No. **256994-V**
:
: Pre-Trial Date: **07/13/2007**
:
: Judge MICHAEL D MASON
:
: Jury ___ Court ___

ORDER FOR PRE-TRIAL CONFERENCE - TRACK VI

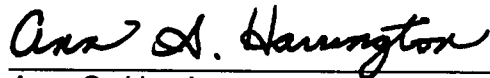
In accordance with Maryland Rules of Procedure, Rule 2-504, and in order to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time and at the least possible cost to the Court and to litigants, it is, this 18th day of July, 2006, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the parties or their attorneys who intend to try the case shall appear in court for a Settlement/Pre-trial Conference on the date set forth above. No further notice will be given of this date. Those in attendance must have settlement authority or phone access to those who do. The parties or their attorneys shall meet at least two weeks prior to the conference date to prepare a written joint pre-trial statement and endeavor to settle the case. If the parties cannot agree to the meeting place or date, it shall be two weeks before the conference date at 9:00 a.m. in the lobby of the Court House. The joint settlement/pre-trial statement shall be signed by all parties or their attorneys and shall be filed with the court at least five days before the Settlement/Pre-trial Conference and shall contain the following:

1. Nature of the Case: A brief, non-argumentative statement suitable for reading to a jury.
2. Claims and/or Defenses: Each party to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. Undisputed Issues and Facts: List all issues not in dispute and set forth stipulated facts.
4. Disputed Issues: List each disputed issue and the principal contentions of all parties respecting each.
5. Relief Sought: Specify nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. Citations: List any cases or statutes which need to be called to the Court's attention.
7. Pending Motions: List title, movant, and filing date of pending motions.
8. Witnesses: Name, address and telephone number of each person who may be called to testify. As to experts, list matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
9. Exhibits: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication.

Complete list of exhibits identifying by exhibit number each documentary that may be offered at trial. (Stickers to be attached to each exhibit are available in Clerk's office.) Any objections to another party's exhibits should be stated.

10. Deposition Testimony: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. Pleadings and Discovery Responses: Designation by page and paragraph of any pleading or discovery response to be offered as substantive evidence, not impeachment.
12. Demonstrative or Physical Evidence: Describe any items of non-testimonial, non-documentary evidence -- models, samples, objects, etc. -- to be utilized at trial.
13. Videotapes: Identify any videotapes to be shown to the jury and authority for doing so.
14. Requested Jury Selection Questions: Identify those agreed upon and include any objections made by either side.
15. Pattern Jury Instructions: Identify those agreed upon and those not agreed upon. Designate the source of the pattern.
16. Non-Pattern Jury Instructions: Supply complete text of each instruction, with authorities, on a separate page.
17. Verdict Sheet (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. Settlement: (Optional) Minimum demand; Maximum offer.
19. Estimated Length of Trial: _____ days.



Ann S. Harrington,
County Administrative Judge